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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

IMRAN ALRAI

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1:18-cr-192-JL

December 4, 2019

2:01 p.m.

TRANSCRIPT OF BENCH TRIAL
DAY THREE - AFTERNOON SESSION
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

Appearances:

For the Government:

John S. Davis, AUSA
Matthew Hunter, AUSA
Cam T. Le, AUSA
United States Attorney's Office

For the Defendant:

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Timothy C. Ayer, Esq.
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Court Reporter:

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Official Court Reporter
United States District Court
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I N D E X

<u>WITNESS:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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PATRICIA LATIMORE		3	43	--
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FAISAL BHATTI	51	--		
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KHURRA KHAN	72	--		
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NABIL EJAZ	88	--		
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NICOLE NASH	98	--		
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DIANE DRAGOFF	116	134	--	
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<u>EXHIBITS:</u>	<u>FOR ID</u>	<u>IN EVD</u>
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Government's 654		58
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P R O C E E D I N G S

THE COURT: All right. You may proceed with your cross.

MR. HARRINGTON: Thank you, Judge.

CROSS-EXAMINATION

BY MR. HARRINGTON:

Q. Good afternoon, Ms. Latimore.

A. Good afternoon.

Q. My name is Tim Harrington, ma'am. I'm just going to have a few questions for you. I wanted to kind of pick up just very briefly close to where you ended with Attorney Davis.

And you were talking about where United Way was going to conduct a review in 2016. And I think you had indicated it was the end of the three-year contract you had initially entered into with DigitalNet, correct?

A. Yes.

Q. And Attorney Davis had gone through with you a few emails, some of which requested additional information, kind of doing some due diligence, I think as you had indicated, correct?

A. Correct.

Q. Okay. And he asked you why you would go forward with the contracts if you didn't get kind of a perfect response to the questions, like all of the

1 information that you had asked. And I think, in
2 essence, what you had answered is you kind of had a
3 relationship with DigitalNet and you were satisfied with
4 their work and so, you know, you were willing to kind of
5 move forward based on that.

6 And based on the responses that you had and
7 that it was a new procurement process I think you
8 indicated as well, that was why you decided to go
9 forward. Is that fair to say?

10 A. That's correct.

11 Q. Okay. You -- for most of the time that
12 Mr. Alrai was employed at DigitalNet -- and I'm going to
13 change to a different subject now -- you were his direct
14 supervisor. I know you indicated Nancy Powers was for
15 six months or so, but then you became Mr. Alrai's direct
16 supervisor, correct?

17 A. That's correct.

18 Q. And you remained his direct supervisor until
19 his last day of employment on June 12th of 2018,
20 correct?

21 A. That's correct.

22 Q. Okay. And would it surprise you, ma'am, that
23 on his last day of employment, you indicated that he was
24 advised that he was terminated for cause? Would it
25 surprise you that that was actually not the case, that

1 he wasn't terminated for cause on June 12th of 2018,
2 that he was actually suspended?

3 A. Well, no. Then I misspoke. I absolutely know
4 he was suspended and then terminated later.

5 Q. Okay. So June 12th, he wasn't terminated for
6 cause?

7 A. Uh-uh.

8 Q. You misspoke?

9 A. Yes.

10 Q. Okay. And kind of talking about it now,
11 does that kind of refresh your recollection of the
12 conversation? Because obviously you had indicated you
13 had a conversation where you said you informed him,
14 along with the human resource --

15 A. We --

16 Q. Just let me finish the question, okay --

17 A. Sorry.

18 Q. -- and then you can answer as fully as you
19 would like.

20 You had indicated that you had a conversation
21 with Mr. Alrai, you and I think you said -- is it senior
22 human resource officer, Ms. Grady?

23 A. That's Ms. Grady, yeah.

24 Q. Okay. Where you informed him that he had
25 been terminated for cause. But that's a mistake or

1 misspeaking, correct?

2 A. That's correct.

3 Q. Okay.

4 A. We suspended him, knowing that given where we
5 were that it was probably going to be a termination.

6 Q. Sure, sure. And it's already been testified
7 to --

8 A. Uh-huh.

9 Q. -- that there were other things going on --

10 A. Uh-huh.

11 Q. -- for, you know, at least a month or so.

12 A. Uh-huh.

13 Q. And you were aware of that, right?

14 A. I was.

15 Q. Okay. Now, let me ask you -- I want to talk
16 to you just briefly about Mr. Alrai and the time that he
17 was there.

18 So as a direct supervisor for Mr. Alrai, you
19 would do performance evaluations or a performance
20 review, I would assume that's the more correct
21 terminology; is that right?

22 A. That's correct.

23 Q. Okay. And you would agree with me that you
24 did his reviews for the years 2013, correct?

25 A. Yes.

1 Q. '14?

2 A. Correct.

3 Q. '15?

4 A. I did.

5 Q. '16?

6 A. I did.

7 Q. And '17?

8 A. Yes.

9 Q. Okay. And would you agree with me that all of
10 your evaluations of Mr. Alrai spoke pretty glowingly and
11 positively about his performance in the information
12 technology sector. Initially, what was the name of his
13 position?

14 A. I believe it was senior director of IT.

15 Q. And then that he was subsequently promoted.
16 We'll talk about that in a little bit.

17 A. Uh-huh.

18 Q. But your reviews generally talked in very
19 positive terms about his job performance in the role?

20 A. That's correct.

21 Q. Okay. And you would agree with me that that
22 would be the case for each of those years, 2013 --

23 A. Correct.

24 Q. -- through '17?

25 A. Correct.

1 Q. And oftentimes in those performance
2 evaluations, you would note positive achievements that
3 had been achieved during the review period, correct?

4 A. That's correct.

5 Q. And oftentimes one of those things was
6 managing outside vendors, correct?

7 A. Yes.

8 Q. Okay. And that basically they were being
9 managed effectively and that the deliverables were being
10 received by the United Way?

11 A. So, yes, that is correct, but if I could add
12 to that, I --

13 Q. Absolutely.

14 A. -- I did not know that he was managing a
15 company that he controlled.

16 So, you know, it's kind of interesting when
17 you say -- yes, in retrospect, I certainly would not
18 have said that if I had known that it was controlled by
19 him.

20 Q. Certainly?

21 A. But the services --

22 Q. Yeah.

23 A. -- as you said, we said he was delivering on
24 certain things.

25 Q. Yeah. And let me -- let's focus in on that,

1 because that's really the gist of what you're getting
2 at. I respect what you're saying is that you didn't
3 understand that there was a relationship as you're
4 indicating you're aware of now, between Mr. Alrai and
5 DigitalNet. So understand that.

6 What I'm focusing on is that the delivery of
7 services to the United Way, if you take that aside, that
8 relationship, right, the delivery of services to the
9 United Way was successful during that period of time
10 that you were his supervisor, correct?

11 A. So I would say partially correct --

12 Q. Okay.

13 A. -- in the sense that we did get services.

14 Q. Uh-huh.

15 A. In retrospect, I mean, it's hard to know at
16 this point were the services on par because we didn't
17 have a real comparison. We were counting -- we were
18 looking at our old situation.

19 Q. Yup.

20 A. Our situation from prior to Mr. Alrai's
21 employment improved.

22 Q. And I'm going to go to that in a minute. Let
23 me ask you this, because you bring up a really good
24 point that I wanted to ask you about.

25 One of the things you're talking about is

1 having a comparison, right? And the question -- one of
2 the questions that that can raise is in regard to the
3 cost -- so you were receiving services. The question
4 that I think you're kind of raising is could there have
5 been a better cost or savings to United Way if other
6 providers had been looked at; is that fair to say?

7 A. That's fair, but I would also say in terms of
8 quality of services.

9 Q. Sure.

10 A. Now having experienced a different company
11 providing service --

12 Q. Yeah.

13 A. -- I recognize services that we did not
14 receive even though they might have been -- I was -- I
15 thought they were there.

16 Q. Sure. Understood.

17 A. Uh-huh.

18 Q. And so basically what you're talking about is
19 cost as well as potentially other quality of services,
20 if you had compared them; is that correct?

21 A. That would be correct.

22 Q. Okay. Now, you would agree with me that prior
23 to Mr. Alrai being hired -- so we're talking about
24 roughly 2012 or so, and obviously -- when did you start
25 at United Way?

1 A. I started in 2009.

2 Q. In 2009. So obviously you were well aware
3 that before Mr. Alrai came on board that United Way did
4 have some significant IT challenges?

5 A. Yes, I was.

6 Q. Okay.

7 A. This is why he was hired.

8 Q. Yup. And, in fact, one of the things that was
9 talked about, and this was before Mr. Alrai was hired,
10 is doing kind of an IT health assessment and that
11 subject actually came up before Mr. Alrai was hired.

12 A. We have -- so I can't tell you exact timing of
13 that. I can tell you that Mr. Alrai asked for an IT
14 health assessment. That I know. I can't remember the
15 timing of it. I actually do not remember how long in
16 advance.

17 Q. Understood. And I'm not saying that Mr. Alrai
18 did not ask for one, so don't get my -- the gist of my
19 question wrong.

20 What I'm saying is that prior to Mr. Alrai
21 coming on, the United Way had already discussed doing
22 an IT health assessment itself. You're aware of that,
23 right?

24 A. I -- as I said, I'm not aware of the timing of
25 that. We'd been talking about IT and how we would

1 improve it. We had talked about things like penetration
2 testing and things like that. But if you said that if
3 we were talking about a more broad health assessment, I
4 don't believe we were having serious discussions prior
5 to Mr. Alrai coming on board.

6 Q. Okay. Well, let me ask you this.

7 A. But I do --

8 Q. I'm sorry. Go ahead, ma'am. I didn't mean to
9 cut you off.

10 A. No, I'm sorry. I cut you off.

11 Q. No, you say what you need to say.

12 A. I said I'm not -- I don't remember those
13 discussions --

14 Q. Okay.

15 A. -- prior to that.

16 Q. So do you remember giving an interview to Jill
17 Laroe on November 7th of 2018 at the U.S. Attorney's
18 Office in Boston?

19 A. Yes.

20 Q. Okay. And if I showed you a document
21 detailing your interview, would that help refresh your
22 recollection on the subject that we're talking about?

23 A. Yes.

24 MR. HARRINGTON: Okay. Judge, may I approach
25 the witness?

1 THE COURT: Yes.

2 Q. You can look at as much of this as you want.

3 A. Uh-huh.

4 Q. I'm just going to point you to a particular
5 section --

6 A. Uh-huh.

7 Q. -- and then feel free to read whatever you
8 need to, but then let me know when you're done reading.
9 Okay?

10 A. Okay. Are you asking me to read the --

11 Q. This section is the one I would point --
12 direct you to --

13 A. Okay.

14 Q. -- but feel free to read before or after that
15 if you feel you need to have like context or something.

16 So -- and just tell me when you're done.

17 A. I'm ready.

18 Q. Okay. Let me take a look. I'm going to take
19 that back from you because I'm going to put it up on the
20 screen.

21 A. Yeah.

22 Q. So after taking a quick look at that, do you
23 recall telling Ms. Laroe that the United Way board had
24 also requested an IT health assessment to be done
25 previously so that it seemed reasonable when Mr. Alrai

1 had requested it?

2 A. I probably spoke of it, but as I said, the
3 board had asked us -- we had done a risk assessment and
4 the board had asked us to look at risk and penetration
5 testing.

6 So not as broad, frankly, as a total
7 environment health assessment. The board never made a
8 request to us to do that. But they had made requests
9 for us to look at risk, the risk to our environment.

10 Q. Okay. So when you read that statement, is the
11 report not accurately capturing what you said?

12 A. It's -- it's capturing accurately what I said,
13 but from a clarification standpoint, when we talked
14 about a health assessment, it was a -- when Mr. Alrai
15 did it, it was to actually look at and make
16 recommendations for the future of our environment. That
17 is not the same kind of assessment that the board asked
18 us to make. The board was much more narrowly focused --

19 Q. Okay.

20 A. -- around the risk of an outsider penetrating
21 our environment.

22 Q. And so in your discussions -- and what you're
23 telling the judge now is that asking for the IT health
24 assessment by Mr. Alrai, when he asked, that made sense,
25 given previous discussions the board had had and given

1 what the state of the IT system was?

2 A. Yes.

3 Q. Okay. And you would agree that after that
4 health assessment was done by Mr. Alrai, you actually
5 sat down with Nancy Powers and Mr. Alrai and went over
6 the report?

7 A. I went over a summary of the report. Not the
8 actual report, but a summary.

9 Q. Okay. And, again, I want to point your
10 attention to that same interview that I'm talking
11 about --

12 A. Okay.

13 Q. -- that you conducted with Ms. Laroe. Okay?
14 And, again, it's that kind of starred section
15 and the last line down here -- we'll use this board.
16 It's a little easier.

17 You indicated that afterwards you sat with
18 Nancy Powers and Alrai to go over the report from the
19 health assessment. Didn't indicate to them that you
20 were going over a summary of the assessment, you advised
21 them that you went over the report with Ms. Powers and
22 Ms. Alrai -- Mr. Alrai. Is that correct?

23 A. As I said, we -- I did not go over the report
24 with either one of them. I went over it -- when I speak
25 of a report, I mean that they reported to me the

1 assessment -- what was conducted in the assessment. I
2 had never seen the health assessment report. And I -- I
3 wasn't expecting it at that time, either, I guess.

4 Q. Okay. Did you advise Ms. Laroe that you went
5 over a summary or is it just that the report's not
6 accurately capturing what you intended to say?

7 A. I think the report accurately captures what I
8 say. I think, though, that when you're speaking, as I'm
9 talking to you now, and if you're digging more into
10 it --

11 Q. Yup.

12 A. -- that if you want to say what is a report
13 that you had, I don't remember Ms. Laroe asking me,
14 well -- although at subsequent meetings she did ask me,
15 did you ever see the report and I told her at that point
16 or Mr. Davis that I never saw the report, that I got a
17 report. So maybe I've been using the word report too
18 often, but I got a report from Mr. Alrai and Ms. Powers,
19 but it was not a document from DigitalNet that was a
20 report that I was reviewing.

21 Q. Okay. And was it a document, a summary
22 document?

23 A. It was a summary document.

24 Q. Okay.

25 A. Uh-huh.

1 Q. I want to talk to you a little bit about the
2 RFP process that you spoke about for the IT managed
3 services. All right?

4 A. Uh-huh.

5 Q. Now, you would agree with me that there were a
6 number of individuals -- I think you said that there
7 were two different levels; you had an IT steering
8 committee and then you had an IT RFP committee; is that
9 correct? I might be using different terminology.

10 A. You used absolutely different technology. I
11 think we called it the IT advisory committee and we had
12 a group that was working with Mr. Alrai as the RFP team.

13 Q. Okay.

14 A. Uh-huh.

15 Q. And so just to make sure I have it correctly,
16 we have the IT steering committee, right? I think you
17 indicated that was a committee.

18 A. It is a committee.

19 Q. Okay. And then underneath it is the one that
20 I may be using the different terminology, but the IT --
21 I think you said -- what was the terminology you used,
22 IT?

23 A. I think I'm confusing -- could you restate
24 what it is that you're asking me?

25 Q. Yes. Let me ask -- and I don't mean to be --

1 A. I'm just not clear what you're asking me, I
2 guess.

3 Q. Yup. So in regard to the RFP process --

4 A. Uh-huh.

5 Q. -- right? My understanding is that there were
6 two levels of committees I thought you had described to
7 Attorney Davis: That there was one -- that there was an
8 IT steering committee and then beneath that there was an
9 IT I think maybe you said advisory committee that was
10 kind of in charge of the RFP process?

11 A. I don't believe I actually said it exactly
12 like that.

13 Q. Okay. Well, let me ask you the question then,
14 because I'm trying to understand it.

15 A. But I want to clarify -- yeah, if you want me
16 to clarify.

17 Q. Yeah. If you could tell us --

18 A. Uh-huh.

19 Q. -- what was the committee structure for the IT
20 and the RFP process.

21 A. So on our -- the RFP side, there -- if you're
22 speaking of a board level committee --

23 Q. Uh-huh.

24 A. -- none of the board actually was -- had
25 responsibility for actually approving or -- the RFP for

1 managed services.

2 Q. Uh-huh.

3 A. That was true, that stops at a managerial
4 level, but the administration and finance committee was
5 informed and we recommend -- we said, this is what we're
6 going to be doing. So we informed them about the
7 process and we informed them of the selection.

8 Q. Okay. But --

9 A. And then there was an IT advisory committee.
10 The IT advisory committee, which Stan Burrows headed,
11 also reviewed the process and offered advice and counsel
12 to the organization, to Imran in particular, around
13 the -- the RFP process. But they weren't an approval
14 body.

15 Q. And so --

16 A. The approval -- they would ask for approval.

17 Q. And so who was the group in the RFP, the RFP
18 group?

19 A. So on the team?

20 Q. Yeah.

21 A. The RFP team, Diane Dragoff, Azim
22 Mazagonwalla, led by Imran Alrai.

23 Q. Okay. And would you agree with me that
24 Mr. Alrai had conversations with Stan Burrows, he had
25 sought the advice of Stan Burrows relative to the RFP

1 process?

2 A. He -- yes, Mr. Burrows reviewed the RFP
3 document. He offered to review the RFP responses. To
4 my knowledge, did not give -- Imran did not allow him to
5 review the responses.

6 Q. Okay. In regards to the RFP process itself,
7 like crafting the actual RFP --

8 A. Uh-huh.

9 Q. -- that was going to be sent out, you would
10 agree with me that Mr. Alrai spoke with Mr. Burrows and
11 others to get input into actually crafting the RFP?

12 A. Yes, I would. He spoke to me and he spoke to
13 Mr. Burrows and I -- and I thought other people, too.

14 Q. Okay. And in addition to that, would you
15 agree with me that there are other agencies that were
16 kind of pulled upon -- I think it would have been people
17 on the IT committee.

18 For example, there was an individual that was
19 working at Liberty Mutual -- and I'll get you his name
20 in just a moment -- Ray Levesque at Liberty Mutual. Are
21 you familiar with Mr. Levesque?

22 A. I am.

23 Q. And his input was sought as well relative to
24 the RFP proposal that was going to be crafted, correct?

25 A. Not independently. Mr. Levesque was a part of

1 the IT advisory committee.

2 Q. Yup.

3 A. The RFP document was reviewed with them at
4 the -- at a meeting and was sent to them. And so they
5 had all -- everyone on that committee had an opportunity
6 to give feedback.

7 Q. And would you agree with me that the people
8 that are involved in this process would be, for example,
9 obviously you, you're involved in the process, correct?

10 A. Yes.

11 Q. Dennis Langwell?

12 A. He was the chair of the administration and
13 finance committee.

14 Q. Okay. And so he was involved in the process,
15 correct?

16 A. No.

17 Q. He was copied on emails regarding the RFPs,
18 correct?

19 A. I guess when you say -- I'd like a
20 clarification. I mean, you say involved in the process.

21 Q. Uh-huh.

22 A. And what do you mean? Because I can tell you
23 what I mean when I said no and maybe we were -- I'm
24 speaking wrongly to you.

25 Q. Yeah, absolutely. Would have an opportunity

1 to make comment and suggestions.

2 A. So on the RFP process, I would say Langwell
3 did not have an opportunity to make a comment on the
4 process, but we -- because he was involved with the --
5 he understood that there was a process going on. He was
6 chair of the administration and finance committee.

7 Q. Uh-huh.

8 A. So he was aware that there was a process going
9 on. He was not involved in it. He was aware that the
10 IT advisory committee was reviewing it and we presented
11 to the A&F committee the results of the RFP process.

12 So I guess technically, yes, he could have had
13 a -- had input, but practically that's not typically the
14 role of the chair of the A&F committee.

15 Q. Okay. Ultimately, after the RFP process is
16 done -- and you do indicate that people other than
17 Mr. Alrai have input into the process and crafting and
18 shaping the RFP, right?

19 A. Uh-huh.

20 Q. Correct?

21 A. Yes.

22 Q. And so once that's done, who ultimately
23 approves the RFP that goes out?

24 A. So once Mr. Alrai got all of the input back,
25 he sent me a copy of it and we met and we agreed that

1 the RFP itself was ready to go out.

2 Q. Okay. And so is that -- you have the final
3 approval on the RFP or does it have to go to like a
4 board?

5 A. No, it didn't have to go to anyone else.

6 Q. Okay. So ultimately you make the final
7 decision as to whether it's ready to go?

8 A. Yes.

9 Q. Okay. Now, after the RFP goes out, you're
10 aware that there were -- I think you said there were
11 13 -- there was a list of 13 individuals, or I should
12 say companies, that were sent the RFP, right? You're
13 aware of the list?

14 A. I'm aware of the list and it was my
15 understanding that they went to 13 companies. I don't
16 know if it actually did at this point.

17 Q. Sure. You are aware that there were a number
18 of responses back and I understand you're questioning,
19 you know, whether certain ones came in, you're
20 questioning or doubting, but you do know, in fact, there
21 were at least three separate companies other than
22 DigitalNet that responded; you've seen those?

23 A. I'm not aware of that, actually.

24 Q. Okay.

25 A. Because at the -- as I said, I never saw the

1 RFP responses. I'm aware now that the team that was the
2 RFP team, we could not find any documents related to any
3 RFP responses, which was very unusual.

4 Q. Okay.

5 A. So I would have to conclude that -- I don't
6 know what to conclude, I should say, in that --

7 Q. Okay.

8 A. -- unless Mr. Alrai has all of the RFP
9 responses and they're not on premises and they're not in
10 our --

11 Q. So let --

12 A. -- in our systems.

13 Q. So let me ask you this in regard to that.

14 So basically what you appear to be saying is
15 you question whether there are actually any responses to
16 the RFP. It seems to be what you're questioning, right?

17 A. So let me just say my experience having done a
18 number of RFPs at the United Way is that an RFP comes
19 back via an electronic medium. And if it does -- did,
20 then there would be some record of it in our system.

21 Q. Okay. And so --

22 A. And our systems have been checked for it. I
23 don't see any and I'm aware -- and I'm sure you'll talk
24 to others about their experience with the -- from the
25 team --

1 Q. Okay.

2 A. -- but I'm aware that they don't have the
3 documents in their possession.

4 So I have to conclude that either Mr. Alrai
5 has all of them and they went to a non-United Way email
6 address --

7 Q. Uh-huh.

8 A. -- which would be a little bit atypical --

9 Q. Yeah.

10 A. -- or that they weren't done.

11 Q. Okay. Or the United Way lost them?

12 A. I don't think that we lose electronic records.
13 I mean --

14 Q. Okay.

15 A. -- emails.

16 Q. So --

17 A. We have never not -- we have never -- there's
18 no evidence that our systems have lost --

19 Q. Okay.

20 A. -- email records and especially of 10 or 12
21 email records. Usually, you know, vendors send back a
22 number of requests. They ask for clarification on what
23 do you mean by this, can I do this and that. So
24 there's -- you know, it's not just a one time thing --

25 Q. Understood.

1 A. -- so it wasn't like -- and we seem to have
2 the rest of the records on it.

3 Q. Sure. So if individual providers such as EZ
4 Castle or mindSHIFT --

5 A. Yeah.

6 Q. -- had provided that and had documentation
7 that it was sent to the United Way, that would
8 demonstrate that --

9 A. Yes, it would.

10 Q. -- perhaps United Way might have just
11 unfortunately misplaced or deleted the files somehow.

12 A. I would have to -- if they have the records, I
13 would have to agree with that. All I am saying is I'm
14 not aware of the records.

15 Q. Fair enough, ma'am.

16 And so following up on that, right, in regard
17 to the actual responses to the RFP, you're indicating
18 that it was Mr. Mazagonwalla -- I think I'm pronouncing
19 his last name incorrectly, but Mazagonwalla,
20 Mazagonwalla?

21 A. Mazagonwalla.

22 Q. Mazagonwalla, thank you, and Ms. Dragoff were
23 part of this group, as well as with Mr. Alrai or led by
24 Mr. Alrai, as I think you've said. And is it your
25 testimony that they never reviewed responses?

1 A. I'm not aware that they did --

2 Q. Okay.

3 A. -- is what my testimony is.

4 Q. Okay. And if it was -- if that was the case,
5 right, if Mr. Mazagonwalla and Ms. Dragoff didn't review
6 the responses to RFPs that were submitted to the United
7 Way, then they didn't do their job, did they?

8 A. You would have to ask them that. As I said,
9 I'm not aware that -- if they reviewed them, I had -- we
10 have not been able to find them.

11 Q. You're the CFO of this company?

12 A. I am. I was.

13 Q. And you're now the COO?

14 A. I am.

15 Q. Okay. And would you agree with me that in
16 that position, you would be able to determine whether or
17 not someone in this organization did or didn't do their
18 job?

19 A. I would be aware of that. And you're asking
20 me to make -- but as I said, in -- when you're on a
21 team, three people on a team, my experience in RFP
22 processes is many times you do rely on the lead person.
23 And they -- I don't know what they were thinking.
24 You'll have to ask them that question.

25 Q. So --

1 A. In terms of their job, they make the --

2 Q. Yeah.

3 A. I don't know what their assumption was in
4 terms of reviewing original documentation. I would have
5 said that they should have reviewed original
6 documentation --

7 Q. Yup.

8 A. -- but I also -- when you say that they
9 weren't doing their job, that's a little bit stronger --

10 Q. Okay.

11 A. -- than I would use.

12 Q. So let's talk about just the RFP -- my
13 question was as relative to the RFP group.

14 A. Uh-huh.

15 Q. And if they're part of that group, part of
16 their job is to review the RFP responses, right?

17 A. That is true.

18 Q. Okay. And so my question, again, is if they
19 didn't do that, then they didn't do their job, correct?

20 A. On that particular instance, I agree with you
21 on that one.

22 Q. Would you agree with me, changing gears a
23 little bit to the IT health assessment, so going back
24 kind of again to 2012, the time that Nancy Powers was
25 there, what was her position at United Way before she

1 left?

2 A. She was the -- she was the vice-president of
3 operations.

4 Q. Okay. Would you agree with me that Ms. Powers
5 was one of the people that was pressing to do an IT
6 health assessment in United Way?

7 A. I -- I think that Ms. Powers wanted to do an
8 IT health assessment, yes.

9 Q. Okay. And you would agree with me that she
10 was the person who handled the decision of who to use to
11 do the IT health assessment and that you signed off on
12 her choice?

13 A. I think that there was a process where people
14 make a decision around which vendor to use. I know that
15 Ms. Powers did not know DigitalNet at the point -- at
16 the time we made the decision, so I know that -- that
17 Mr. Alrai brought them into the process.

18 I -- and, clearly, neither Ms. Powers nor
19 myself thought that it was a -- you know, we agreed. We
20 signed off on that decision.

21 Q. So let me ask -- I'll ask you the question
22 again.

23 Do you remember, again, giving an interview
24 with Ms. Laroe on November 7th, that's the one at the
25 U.S. Attorney's Office in Boston? And I'm going to

1 point you to a particular section here.

2 This particular section, you agree with me
3 here it's saying that Ms. Latimore advised that Powers
4 handled the decision of who to use for the IT health
5 assessment and Latimore signed off on it?

6 A. I agree with that. I stand by that.

7 Q. And you go further to say: Alrai was still
8 learning how to do the system and Powers would have
9 gotten prices from multiple companies and do the price
10 comparison?

11 A. She definitely -- I would assume she would. I
12 know -- I knew her very well. I knew her work. And so
13 my assumption was that she would have done multiple
14 price assessments.

15 Q. Okay.

16 A. So my -- but I know that DigitalNet was
17 suggested by Mr. Alrai.

18 The other piece on that -- so I know that
19 there was -- I assume that there were multiple
20 assessments and -- but when you have somebody in the
21 process who has knowledge of it, it's pretty easy for
22 them to come back with a lower price or steer the -- the
23 decision toward one group. But Ms. Powers did manage
24 it.

25 Q. And let me -- I want to clarify something with

1 you in regard to Stan Burrows, so I'm jumping to a
2 different subject. Okay?

3 A. Okay.

4 Q. You would agree with me that Mr. Burrows had
5 an oversight role on the IT Advisory Council
6 specifically for the RFP process, correct?

7 A. As I said, oversight meaning he had
8 advisory -- he was an adviser to us. He was not an
9 oversight meaning that he had the power to intervene in
10 the RFP process. No. He -- but he had the right to
11 advise.

12 Q. Understood. I want to again switch gears to
13 talk to you just very briefly about budget for IT.

14 A. Okay.

15 Q. Before Mr. Alrai came in, were there times
16 where the budget for IT was at about the \$2 million
17 level?

18 A. The budget for I -- yes. There were -- we had
19 specific projects that were going on. As I said before,
20 a CRM system, the board approved us to have, I believe,
21 an additional million dollars for it.

22 Q. Sure. And so you would agree with me that --
23 and I'm not trying to say that that was normal, but what
24 I'm getting at is typically the IT budget for United Way
25 Massachusetts Bay was typically in excess of a million

1 dollars year to year?

2 A. Yes.

3 Q. Okay. And you would agree with me that during
4 the time that Mr. Alrai was at the United Way that his
5 bottom line stayed at 1.1 million per year?

6 A. I agree.

7 Q. Okay. Just a couple more questions,
8 Ms. Latimore.

9 If I could ask the government -- could you
10 bring up that exhibit we were talking about earlier?

11 MS. SHEFF: Okay.

12 MR. HARRINGTON: Sorry, I forgot I keep having
13 to turn that on here.

14 MS. SHEFF: That was --

15 Q. I'm showing you what's been marked as
16 Government's Exhibit 401 and that's dated March 1st of
17 2013. And these are your notes relative to your
18 discussion of the references that you indicated you
19 followed up with, correct?

20 A. Yes, they are.

21 MR. HARRINGTON: Okay. And if I could go to
22 the next page.

23 Q. Again, this is the -- Mr. Ejaz and there's
24 really two notes that you have: You have Mr. Ejaz and
25 then you have Mr. Khan, correct? The first page you

1 looked at was Mr. Khan and this is Mr. Ejaz.

2 You agree with me that you took these notes
3 contemporaneously?

4 A. I did.

5 Q. Okay. And dated them?

6 A. I did.

7 MR. HARRINGTON: Okay. So I want to ask if
8 you would bring up I think it's Government Exhibit 300a.

9 This is the managed services contract. It's
10 dated February 20th, correct?

11 A. Yes.

12 Q. On the cover page anyway.

13 A. Yes, it is.

14 MR. HARRINGTON: And if I could ask to go to
15 the signature page, I think that's page 7, maybe. It
16 might be the next page, actually.

17 Q. And I want to go back up. You have this
18 signed and it's dated February 22nd of 2013. And this
19 is the date that you executed the agreement, correct?

20 A. It is.

21 Q. Okay. And the reviews or reference checks
22 that you did weren't for another week or so, until
23 March 1st, after the contracts were executed?

24 A. I signed on the 22nd.

25 Q. Okay.

1 A. We did not forward this to Mr. -- to
2 Mr. Chaudhary until after I did the interviews, the
3 reference checks.

4 MR. HARRINGTON: Now -- and that's okay. You
5 can bring that down.

6 MS. SHEFF: Pardon me?

7 MR. HARRINGTON: You can bring that down.
8 You're all set.

9 MS. SHEFF: Okay.

10 Q. Do you know when that document was executed
11 finally by DigitalNet Services?

12 A. We had -- we sent what we did, and I think it
13 was -- as I've said before, we had a few extra questions
14 for DigitalNet --

15 Q. Uh-huh.

16 A. -- and we asked for that information to come
17 to us before we got -- we sent the -- the signed
18 document. I don't remember the exact circumstances, but
19 I -- I know that it might have been that I may not have
20 been in the office or something later on, but the -- so
21 I signed in advance. We informed them that they had
22 a --

23 Q. Uh-huh?

24 A. -- that we'd made a decision, and that it was
25 pending reference checks and the other things.

1 So the date of it, yes, it was a little bit in
2 advance.

3 Q. Okay. And were you ever able to find or
4 obtain a fully executed copy of the contract?

5 A. Not -- I assume not, but --

6 Q. Okay.

7 A. -- we -- we definitely had one.

8 MR. HARRINGTON: If I may have one moment,
9 Judge?

10 THE COURT: Yup.

11 Q. I want to again switch gears a little bit on
12 you in regard to your meeting with Mac Chaudhary in your
13 Boston office.

14 A. Uh-huh.

15 Q. You indicate that he came alone, right? Or I
16 should say Mr. Alrai escorted him to you.

17 A. That's my memory of it, yes.

18 Q. Yeah. And then left you alone with
19 Mr. Chaudhary and then you met for about a half-hour and
20 I would assume you brought him back to Mr. Alrai?

21 A. I didn't -- yes, Mr. Alrai -- Alrai was -- my
22 office and where he sat or where the IT people sat was
23 very close by each other.

24 Q. Now, do you recall actually telling in an
25 interview with Ms. Laroe on June 25th -- you actually

1 did a telephonic interview on June 6th of 2018 with Jill
2 Laroe; do you recall that?

3 A. Yes.

4 Q. Okay. And do you recall telling Ms. Laroe
5 that you had a meeting with Mr. Chaudhary at your office
6 and he brought an infrastructure architect with him when
7 he came to your office and you believe that that
8 architect was Kal Wahbe?

9 A. Well, I don't think that that's captured
10 exactly right. Kal Wahbe was in the office on that day,
11 I believe, and it -- or he was in the office multiple
12 times. And I knew that he was an infrastructure
13 architect based upon what Mr. Alrai had told me.

14 Q. Okay.

15 A. But we --

16 Q. You're saying you didn't meet him --

17 A. No, I did not meet him at that meeting. I had
18 met Mr. Kal Wahbe before and I saw him afterwards also.

19 Q. Okay. Well -- and so Kal Wahbe was there
20 on-site at United Way is what you're saying?

21 A. Yes, he was --

22 Q. Okay.

23 A. -- at various times, uh-huh.

24 Q. And you're indicating he was there that day
25 that Mr. Chaudhary was there, he just wasn't part of the

1 meeting.

2 A. He was not part of the meeting.

3 Q. Okay.

4 A. He may have been there that -- my remembrance
5 of this --

6 Q. Uh-huh.

7 A. -- and this is years ago --

8 Q. Sure.

9 A. Is that there was a number of DigitalNet folks
10 in the office that day and I said --

11 Q. Okay.

12 A. -- that I believe Kal was also there.

13 Q. But you would agree with me that Mr. Wahbe
14 didn't work for the United Way, right? He worked for
15 DigitalNet.

16 A. Yes, he did.

17 Q. And you previously testified that you met with
18 Mr. Chaudhary prior to the contract being signed?

19 A. I didn't say that. I said I met with
20 Mr. Chaudhary prior to -- and I believe it was in March,
21 so ...

22 Q. So you're saying it wasn't prior to --

23 A. Or early -- yeah, maybe early March. I don't
24 know. I don't remember the exact dates, but it was
25 after Digital -- it was the week that DigitalNet started

1 with us.

2 Q. Okay.

3 A. And I don't remember the exact date. No one
4 has asked me that. I would have to refresh my memory
5 when they started.

6 Q. Yeah. So let me ask you, just to make sure I
7 understand what your answer is, okay --

8 A. Uh-huh.

9 Q. -- because I don't want to put words in your
10 mouth?

11 A. No.

12 Q. You're saying that you met with
13 Mr. Chaudhary --

14 A. I did.

15 Q. -- in your office in Boston, correct?

16 A. Correct.

17 Q. Yeah. And that you met with him alone in your
18 office for about a half an hour, correct?

19 A. Correct.

20 Q. Okay. And that that day Mr. Wahbe was in the
21 building, but didn't participate in the meeting with you
22 and Mr. Chaudhary?

23 A. I'm making the assumption that
24 Mr. Chaudhary -- Mr. Wahbe was in the building, but I
25 don't know that for -- I can't tell you that for a fact.

1 I'm saying that Mr. Wahbe -- I believe that
2 they were meeting -- that there was a meeting with
3 DigitalNet folks and I assumed that Mr. Kal Wahbe was
4 there, but I can't really say that that's exactly a
5 hundred percent true.

6 MR. HARRINGTON: Okay. If I may approach the
7 witness, Judge?

8 THE COURT: What did you say?

9 MR. HARRINGTON: If I may approach the
10 witness?

11 THE COURT: Yeah, of course.

12 Q. I'm just going to show you what's -- you can
13 look at other sections if you want, just the date and
14 November 7th, the interview at the U.S. Attorney's and
15 go on to a different page and I'm just pointing you to
16 this section. If you could kind of read that to
17 yourself and tell me when you're done.

18 A. Uh-huh. That's correct.

19 Q. Okay. And so you would -- after taking a look
20 at that statement, does that kind of refresh your memory
21 of what you have spoke to Mr. Laroe about, indicating
22 that Mr. -- your meeting with Mr. Chaudhary occurred
23 before the signings of the contract?

24 A. So, as I said, I'm not a hundred percent clear
25 on the exact day. My understanding before we executed

1 the contract that, yes, that I did meet with him before
2 then or around then. It might have been the day of. I
3 don't know.

4 Q. Okay. And it would obviously -- if you met
5 with Mr. Chaudhary before signing the contracts --

6 A. Uh-huh --

7 Q. -- it would be odd for Mr. Wahbe to be in the
8 building because you hadn't yet signed the contracts and
9 he wasn't an employee of the United Way, right?

10 A. He was never an employee of the United Way.

11 Q. Okay.

12 A. So -- and I don't know if it would have been
13 odd or not. I believe that -- as I said, I don't know
14 if he was in the building --

15 Q. Okay.

16 A. -- at that time, but I thought that that's
17 what was going on. I'm not a hundred percent sure of
18 exactly who else was in the building or when the timing
19 of that was and so I --

20 Q. Okay.

21 A. -- I can't tell you that. I mean ...

22 Q. Let me ask you about your trip up to
23 Andover --

24 A. Uh-huh.

25 Q. -- to see the DigitalNet offices.

1 A. Uh-huh.

2 Q. You're indicating that you went to the
3 building -- you had the address, correct?

4 A. Uh-huh.

5 Q. And that you saw a placard that was on --

6 A. Or something.

7 Q. -- on the wall?

8 A. Uh-huh.

9 Q. And what did the placard say?

10 A. I don't know exactly, but it said DigitalNet
11 and I went to the room and there was somebody there, I
12 went in, and that was it.

13 Q. Okay. And when you went into the office, was
14 it a designated office specifically for DigitalNet?

15 A. Yes and no. That facility is a little bit of
16 an open --

17 Q. Sure.

18 A. -- concept.

19 Q. Yup. And you -- when you went in there, are
20 you saying that you met with staff and they escorted you
21 around the DigitalNet offices, kind of to show you the
22 place?

23 A. I met with somebody who said this is our
24 space.

25 Q. And they walked you around the space and

1 showed you the space?

2 A. There wasn't much walking around, but yes.

3 Q. Okay. You reviewed the space?

4 A. It's small.

5 Q. Okay. Would it surprise you, Ms. Latimore, to
6 learn that there was never a placard indicating
7 DigitalNet was in that building?

8 MR. DAVIS: Objection; misstates the evidence,
9 the word never.

10 THE COURT: She doesn't have to accept his
11 question. There's no such objection as misstates the
12 evidence. If she doesn't accept it, she can reject it.

13 MR. DAVIS: All right.

14 THE COURT: He's allowed to ask questions he
15 has a good faith basis to ask.

16 Go ahead.

17 A. Would it surprise me? Yes, it would, because
18 I believe I saw a sign, but I don't know. I mean, if
19 you're saying there never was a sign --

20 THE COURT: Well, he's not saying anything.
21 He's asking you.

22 THE WITNESS: I think I saw a sign or at least
23 I went to an office that had a sign.

24 THE COURT: When you talked to him about it
25 being on a tombstone --

1 THE WITNESS: I thought --

2 THE COURT: -- are you talking about the
3 directory in the lobby?

4 THE WITNESS: I thought that's how I got in.

5 MR. HARRINGTON: Judge, I don't have any other
6 questions for Ms. Latimore.

7 THE COURT: Thank you.

8 Mr. Davis.

9 REDIRECT EXAMINATION

10 BY MR. DAVIS:

11 Q. So, Ms. Latimore, you were asked a lot of
12 questions about when you signed the contract and whether
13 you met with Mac Chaudhary before or after you signed
14 the contract. Do you recall that?

15 A. Yes.

16 Q. Now, you -- you testified, though, that what
17 you remember is that you think Mr. Chaudhary came in on
18 a day when DigitalNet people were actually starting in
19 your space?

20 A. That's what I think happened.

21 Q. Right. And that would have been in March,
22 right, of 2013?

23 A. I believe so.

24 Q. All right.

25 A. I mean, they were in the -- somebody -- there

1 were people in the space meeting with Mr. -- or I can't
2 tell you that it -- what the actual date was, but they
3 were meeting with Mr. Alrai.

4 Q. And showing you again Government Exhibit 611,
5 and your very first email at the bottom of 611 -- no,
6 I'm sorry, all the way, last page, or first page,
7 however you put it.

8 Okay. So you -- this email here at the bottom
9 from you to Mr. Alrai is dated February 23rd, right?

10 A. Uh-huh.

11 Q. And what you're telling him is I signed the
12 contract, right, but you don't have business or
13 financial information on DigitalNet. Right?

14 A. Not that was in the file. Mr. Alrai said
15 that there was information in the RFP, but in my
16 conversations with Azim Mazagonwalla, he said that we
17 need more documentation.

18 Q. All right. So DigitalNet -- or United Way is
19 not ready to start at this very minute --

20 A. No.

21 Q. -- with DigitalNet, right?

22 A. No, we weren't.

23 Q. In fact, you're just starting to get
24 references as a result of this email --

25 A. Uh-huh.

1 Q. -- right?

2 A. Yes.

3 Q. And what date does Mr. Alrai give you
4 references? Is that in here --

5 A. Somewhat later.

6 Q. Yeah, that's not even until the end of
7 February or a little bit later, February 25th, right?

8 A. A couple days later.

9 Q. You get -- next page, I think -- but you get
10 some references and -- it's actually in the other email.
11 It wasn't even in this email.

12 But you know what date you called, right?

13 A. March 1st.

14 Q. March 1st. Because that's on your notes. So
15 you're first starting to call your references March 1st,
16 right?

17 A. (Nods head.)

18 Q. And then it took longer than that to talk to
19 Steve Anderson, right?

20 A. Yes, it did.

21 Q. Okay. Okay. All right. So DigitalNet would
22 not have been in your space until sometime after the
23 beginning of March, right?

24 A. That's correct.

25 Q. All right. And so even though you signed the

1 contract, that doesn't mean you were ready to go on
2 February 23rd, right?

3 A. We didn't sign the -- I signed the contract,
4 not as a final document. I don't, as I said, recall why
5 I did it on the 22nd, but it wasn't to be -- there was
6 pending -- it was pending additional information and I
7 don't know why that was. It could have been, as I said,
8 that I might have been out of the office the following
9 week --

10 Q. Okay.

11 A. -- or whenever.

12 Q. All right. Well, let's -- but you remember
13 someone named Mac meeting with you when DigitalNet was
14 starting in your space?

15 A. Yes or -- yeah, thereabouts, yes.

16 Q. And you also know Kal, right? Do you know
17 what Kal looks like?

18 A. I do.

19 Q. And was the person you met with Kal?

20 A. No.

21 Q. You're sure of that?

22 A. Quite -- yes.

23 Q. All right.

24 A. I know what Kal looks like. Kal was in our
25 space somewhat regularly.

1 Q. Okay. And you were also asked a lot about
2 United Way records about the RFP process, right?

3 A. Yes.

4 Q. And you were asked about whether it meant that
5 someone didn't do their job in finding records. Do you
6 remember those questions?

7 A. I do.

8 MR. HARRINGTON: Judge, just to interject, I
9 didn't ask or suggest that people didn't obtain records.
10 My question was, well, did they do their job. I just
11 want to make sure my question was accurately portrayed.

12 THE COURT: Well, nobody object anymore about
13 how other people ask questions unless they're doing
14 something inappropriate. You're allowed to twist and
15 misportray each other's questions. That's called a
16 trial.

17 Seriously. It's up to the witness to accept
18 or reject it or the trier of fact. I'll let you go. I
19 don't mean to take over. There's no jury. But if this
20 was in front of a jury, it would bother me.

21 So, you know, that's not an objection, that it
22 misstates the evidence or twists the question. That's
23 up to the witness and the trier of fact to determine.
24 It's not up to you to interfere with each other's
25 questions.

1 So I'll give you latitude to do it because
2 there's no jury, but understand it's not going to be
3 sustained. Go ahead.

4 Q. Whose job was it as of 2013 at United Way to
5 keep accurate electronic records on -- on United Way's
6 electronic database?

7 A. That was Mr. Alrai's job.

8 Q. All right.

9 A. So if things were missing --

10 Q. I'm sorry?

11 A. If the records are missing, then I don't know
12 why.

13 Q. And whose property was the official
14 submissions of legitimate vendors who are submitting a
15 confidential proposal in response to a United Way RFP?
16 When they actually do the work, go to the trouble of
17 sending United Way a proposal, whose property does that
18 become?

19 A. It becomes the United Way's property.

20 Q. It's the company's property --

21 A. Yes, it is.

22 Q. -- right?

23 And is it, in your experience, the usual
24 course that a record of an RFP and the proposals that
25 are submitted is kept at United Way?

1 A. Absolutely.

2 Q. Did Mr. Alrai have permission from you or from
3 anyone at United Way that you know of to store on his
4 personal computer at his home in New Hampshire RFP
5 proposals that were sent to United Way in 2013 and
6 aren't at United Way anymore? Did he have permission to
7 do that?

8 A. No.

9 Q. Did he ever tell you he was doing that?

10 A. I -- until you just mentioned that, I did not
11 know that.

12 Q. You were also asked questions about DigitalNet
13 and quality of service. Do you recall that?

14 A. I do.

15 Q. And you said -- well, what did you -- what did
16 you say about your view of the quality of service that
17 you were getting from DigitalNet back when DigitalNet
18 was your managed IT services provider?

19 A. I said that the services that we received from
20 DigitalNet was much better than it was prior to -- with
21 our old environment, in our old -- the old providers.

22 Q. It was actually improved?

23 A. It was improved.

24 Q. All right. But then you also said that you
25 had some additional views as a result of having

1 experienced your -- or having hired and experienced the
2 services of your current provider; is that right?

3 A. That's absolutely true.

4 Q. And does that give you a slightly different
5 perspective on the quality of service that DigitalNet
6 provided?

7 A. It does.

8 Q. And can you explain that?

9 A. Well, I can tell you that our current provider
10 is providing more services than what we had under
11 DigitalNet for significantly less dollars at a minimum
12 of the same quality and, in some cases, better quality.

13 MR. DAVIS: Nothing further.

14 THE COURT: Thank you.

15 MR. HARRINGTON: I have no other questions,
16 Judge.

17 THE COURT: Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: You are excused. Next witness.

20 (Witness excused.)

21 MR. HUNTER: The government calls Faisal
22 Bhatti.

23 THE COURT: Spell that last name.

24 MR. HUNTER: B-h-a-t-t-i.

25 He's using the facilities, your Honor.

1 THE COURT: That's okay.

2 THE CLERK: Good afternoon, sir. If you'd
3 like to step this way, please.

4 If you could step into the witness box and
5 remaining standing, please.

6 Please raise your right hand.

7 **FAISAL BHATTI**, having been first duly sworn,
8 testified as follows:

9 THE CLERK: For the record, please state your
10 full name and spell your last name for the record.

11 THE WITNESS: First name is Faisal
12 F-a-i-s-a-l; last name Bhatti, B-h-a-t-t-i.

13 THE CLERK: Thank you. Please be seated.

14 DIRECT EXAMINATION

15 BY MR. HUNTER:

16 Q. Good afternoon, Mr. Bhatti.

17 A. Good afternoon.

18 Q. We have a court reporter here in the courtroom
19 and a number of people need to hear you, so I'd just ask
20 that you speak directly into the microphone.

21 A. Sure.

22 Q. Mr. Bhatti, where are you from?

23 A. From Houston, Texas. Actually, Stafford,
24 Texas.

25 Q. Is that where you live now?

1 A. Yes.

2 Q. And where did you live before that?

3 A. I was in Atlanta for three years and for the
4 most part, I was in Houston or in Stafford.

5 Q. Did you ever live in Pakistan?

6 A. Yes.

7 Q. And when was that?

8 A. Actually, most of my life, I lived in Oman.
9 Oman is a country in the Middle East and I was in
10 Pakistan for four years, from 1986 to 1989, I believe.

11 Q. Okay. And what is your current job, sir?

12 A. I'm in IT. My title is IT system analyst.

13 Q. With what company?

14 A. Stewart Title.

15 Q. How long have you had that job?

16 A. Two years.

17 Q. Have you been in IT most of your career?

18 A. Yes.

19 Q. Have you ever worked for an IT company called
20 DigitalNet?

21 A. No.

22 Q. Or AISA Consulting?

23 A. No.

24 Q. Or AISA Corporation?

25 A. No.

1 Q. Do you know a gentleman named Imran Alrai?

2 A. I do.

3 Q. Do you see him in the courtroom?

4 A. I do.

5 Q. Can you point him out?

6 A. Right there.

7 THE COURT: He's identified him.

8 MR. HUNTER: Thank you.

9 Q. When did you first meet Mr. Alrai?

10 A. It was in summer 1991.

11 Q. And where did you meet him?

12 A. In Sahiwal, Pakistan.

13 Q. And -- what was the circumstances of you guys
14 meeting?

15 A. So we were there similar to ROTC training that
16 we have here. So it's a similar training that we went
17 in Pakistan. We got extra credit for doing that. So
18 that's where I met him --

19 Q. Okay.

20 A. -- in summer of 1991.

21 Q. And was this when you were about in high
22 school?

23 A. I was in 11th grade, yes.

24 Q. 11th grade.

25 THE COURT: All right. So it was part of your

1 high school education?

2 THE WITNESS: Yes, sir.

3 THE COURT: Not part of college, not -- not a
4 scholarship --

5 THE WITNESS: No, sir. No.

6 THE COURT: Okay. Thank you.

7 Q. And how long were you with Mr. Alrai during
8 that period?

9 A. I believe it was six-week training.

10 Q. Okay. And after -- after you completed high
11 school -- that training in high school, what did you do?

12 A. So after the training, I went back to Oman.
13 And Imran, he came from Saudi Arabia. So we went back.
14 He went to Saudi and I went back to Oman.

15 Q. Okay. Did you keep in touch with Mr. Alrai?

16 A. Not when I was in Oman.

17 Q. Okay. And at what point did you come to the
18 U.S.?

19 A. 1992, fall of 1992.

20 Q. And did you see Mr. Alrai at some point after
21 that?

22 A. After I came to U.S.?

23 Q. Yes.

24 A. Yes. So I believe it was in 1994 or 1995, he
25 called me. He was in Arkansas at that time and he told

1 me that he -- he's also in U.S. Because I wasn't aware
2 that he's in U.S.

3 Q. Okay.

4 A. So, yes, I think that was in 1993 or '94. I
5 don't remember exactly the year, but around that time.

6 Q. Okay. And it's perfectly fine if you don't
7 remember the exact year.

8 And where were you living when Mr. Alrai
9 reached out to you?

10 A. I was in Houston.

11 Q. And did Mr. Alrai move to Houston?

12 A. He did.

13 Q. And were you roommates for a period of time in
14 Houston?

15 A. We were roommates, at least for a year, then
16 we moved to a different apartment with some other
17 roommates. But we were roommates. Like I said, for at
18 least a year we were roommates.

19 Q. Okay. And did Mr. Alrai eventually move out
20 when he got married?

21 A. He did.

22 Q. All right. And did -- and did Mr. Alrai
23 eventually leave Texas?

24 A. He did.

25 Q. And when did you interact with him next?

1 A. So he got married in Houston. I attended that
2 wedding. I don't remember the exact year, but I think
3 it was late '90s or early 2000 when he got married.
4 Soon after, I find out that he moved out of Houston.

5 After that, I believe I met him in 2001 or
6 2002. I was in Virginia for a friend's wedding. I met
7 him there. He brought some homemade food and we chatted
8 for a few hours.

9 After that we met in 2006 or 2007. Again, I
10 don't remember the exact year, but it was not 2008. I
11 think it was 2006 or 2007.

12 Q. Okay.

13 A. We met in New York. I was there -- we were
14 there to -- with our friend, Mr. Khan. We were there
15 for I think two or three days. That was, like I said,
16 in 2007.

17 After that I met him in 2014.

18 Q. And was that in Houston?

19 A. That was in Houston, yes.

20 Q. Is that the last time you saw him?

21 A. That was the last time I met him, yes.

22 Q. And what -- what was it that brought you
23 together in Houston?

24 A. In 2014?

25 Q. Yes.

1 A. So my father passed away in 2013, September,
2 and he came to -- just to convey his condolences in
3 2014.

4 Q. At that time did Mr. Alrai mention he was
5 trying to start a business?

6 A. He did. He briefly mentioned that he opened
7 an IT company. I asked him what kind of business. He
8 said it's an IT services company. I didn't ask him the
9 details. But, yes, he did mention that.

10 Q. Did he mention the name?

11 A. He did, and I actually forgot the name until I
12 talked to Agent Todd. And when he mentioned that name,
13 then it came back to me that he did mention DigitalNet,
14 I think.

15 Q. You think the name was DigitalNet?

16 A. Yes.

17 Q. And you mentioned you'd never worked for
18 DigitalNet. Is that -- is that true?

19 A. That is correct.

20 Q. Okay. Have you and Mr. Alrai ever been
21 employed by the same company?

22 A. You mean DigitalNet?

23 Q. Any -- any company.

24 A. No.

25 Q. Thinking back to 2012, did Mr. Alrai ever use

1 you as a job reference or did he ask -- rather, did he
2 ask to use you as a job reference?

3 A. He did. He did.

4 MR. HUNTER: All right. I'd like to put
5 Government Exhibit 654 on the screen.

6 Q. Okay. And so do you recognize this document?
7 If we need to --

8 A. I do.

9 Q. Okay. What is it?

10 A. This is an email that Imran sent me in -- on
11 March 12th, 2012.

12 Q. Okay. And it looks like in August 2019, you
13 forwarded it to Mr. Donnelly?

14 A. That is correct.

15 MR. HUNTER: Okay. I move to strike the
16 identification of this exhibit.

17 MR. HARRINGTON: No objection, Judge.

18 THE COURT: Admitted.

19 (Government's Exhibit 654 admitted.)

20 MR. HUNTER: All right. Ms. Sheff, could you
21 go down a page, page 2, to the bottom email.

22 Q. Okay. Is this an email from Mr. Alrai to you?

23 A. Yes.

24 Q. And do you recognize this email address?

25 A. Yes.

1 Q. Imran.Alrai@gmail.com?

2 A. Yes.

3 Q. And is this your email before that?

4 A. That's correct.

5 Q. Could you please read the email?

6 A. It says: AOA, Faisal, I have given your name
7 as a reference with a job with United Way. If they
8 contact you, please give me a call before talking to
9 them. Much appreciated. Hope all is well. Imran
10 Alrai.

11 Q. Thank you.

12 And, Ms. Sheff, can you go to the next email
13 in the chain? Or, actually, can you see that, how you
14 responded?

15 A. Yes, I can see that.

16 Q. What did you say?

17 A. I said I will do.

18 Q. And did Mr. Alrai write back?

19 A. He said what is the best number to call you?

20 MR. HUNTER: Okay. Can you go up to the next
21 page, Ms. Sheff.

22 Q. And does your reply appear?

23 A. That is correct.

24 Q. Okay. Is that your phone number?

25 A. That is correct.

1 Q. Okay. So you provided your phone number as a
2 reference. What email would you expect to be used as a
3 job reference?

4 A. I had this AOL account for the last 21 years
5 and this is the only email I use for -- for my job
6 posting, when I would apply for a job. This is the only
7 email address that I use.

8 Q. So this AOL account is your only --

9 A. That's correct, yes.

10 Q. -- email address?

11 A. Yes.

12 Q. Let me just ask that again. Just for the
13 court record, we can't talk over each other?

14 Is this AOL email address the only email
15 address you use?

16 A. That is correct.

17 Q. Did you ever speak with someone from United
18 Way to provide a reference for Mr. Alrai?

19 A. I don't think anyone reached me from United
20 Way.

21 Q. Did you ever email with anyone --

22 A. No.

23 Q. -- from United Way?

24 A. No.

25 Q. Did you ever email with anyone from United

1 Way?

2 A. No, I did not.

3 Q. And prior to your initial interview with
4 Mr. Donnelly, did you know whether or not Mr. Alrai ever
5 got a job with United Way?

6 A. I was not aware of it.

7 MR. HUNTER: Okay. Could we please put
8 Exhibit 604 on the screen. Yes. It's marked -- okay.

9 Ms. Sheff, can you go down to I think it's
10 page 2 or 3 of this document?

11 THE COURT: Well, which is it, 2 or 3?

12 MR. HUNTER: That is -- that's a good
13 question, your Honor.

14 MR. HUNTER: All right. So -- and, actually,
15 I will say we anticipate calling a witness who can
16 authenticate this, but does defense counsel object if we
17 strike the identification on this document? I can --

18 MR. HARRINGTON: Yup. No, I don't. Go ahead.
19 Mark it.

20 MR. HUNTER: All right. I move to admit this
21 as an exhibit, a full exhibit.

22 THE COURT: What number?

23 MR. HUNTER: This is Exhibit 604.

24 THE COURT: 604, admitted.

25 (Government's Exhibit 604 admitted.)

1 MR. HUNTER: All right. So let's just start
2 with this email here. Ms. Sheff, could you zoom in on
3 this March 1st email from Nicole Nash?

4 MS. SHEFF: The next one?

5 MR. HUNTER: Oh, no, this is good.

6 Q. So Ms. Nash is saying: Great, one more thing,
7 if you have a moment, please send me three business
8 references, thank you, Imran, signed Nicole.

9 Do you see that?

10 THE WITNESS: I do.

11 MR. HUNTER: Okay. Ms. Sheff, could you go to
12 the next page or page 2?

13 Q. All right. And so could you read the "from"
14 field here?

15 A. From Imran Alrai.

16 Q. Is that Mr. Alrai's Gmail account address that
17 we were talking about earlier?

18 Can you zoom in on that?

19 A. Yes, it is.

20 Q. Okay. Thank you.

21 And you see where it says: Hi Nicole,
22 following are the business references you requested.

23 Do you see that?

24 A. I do.

25 Q. All right. And at the very bottom, is that

1 your name, Faisal Bhatti, Senior Vice-President North
2 America?

3 A. That's my name.

4 MR. HUNTER: Okay. Ms. Sheff, could you go to
5 the next page? The email continues on to page 3, and
6 could you zoom in on this.

7 Q. Okay. So Senior Vice-President North America,
8 AISA Corporation.

9 A. AISA.

10 Q. Have you ever worked for AISA Corporation?

11 A. No, I did not.

12 Q. Is this your phone number?

13 A. That's my phone number.

14 Q. And is that the number you've provided
15 Mr. Alrai in the prior email we saw?

16 A. That is correct.

17 Q. And then here's an email address. Could you
18 read that, please?

19 A. Faisal.Bhatti@ASIAconsulting.com.

20 Q. Okay. So the company is AISA Corporation, but
21 the email address is AISA Consulting; is that right?

22 A. That is correct.

23 Q. Did you ever have that email address?

24 A. I never had that email address.

25 Q. And did you ever work for a company called

1 AISA Consulting?

2 A. No, I have not.

3 Q. And it also says preferred frequent traveler.

4 Do you see that?

5 A. I do.

6 Q. Do you consider yourself to be a frequent
7 traveler?

8 A. I don't.

9 Q. How often do you travel?

10 A. Once or, at the most, twice with the family,
11 twice a year.

12 Q. Twice a year?

13 A. Once or twice a year, yes.

14 MR. HUNTER: All right. Now, Ms. Sheff, could
15 you go to page 1 of this email chain.

16 Okay. Could you zoom in on this March 12th
17 email? It looks like it's from an email address
18 resume@supportunitedway. And could you just zoom in to
19 include the person who signed the email?

20 MS. SHEFF: Yeah.

21 MR. HUNTER: Sorry about that.

22 Q. Okay. Could you just start where it says
23 "I've emailed." Could you read that --

24 A. I have emailed Steve and Faisal as you
25 suggested today after leaving a voicemail last week. Is

1 Steve or Faisal a previous supervisor of yours? If not,
2 would you be able to send me a manager or supervisor
3 reference? Nicole.

4 Q. So that's signed by Nicole Nash; is that
5 right?

6 A. Correct.

7 Q. All right.

8 A. Yes.

9 MR. HUNTER: Okay. And, Ruth, could you go to
10 the top email.

11 Q. Okay. Who is this email from?

12 A. It appears it came from Imran.

13 Q. Okay. And you recognize his Gmail address
14 again. Do you recognize his Gmail address?

15 THE COURT: I do. Go ahead.

16 MR. HUNTER: Okay. Thank you, your Honor.

17 Q. All right. Could you read this email from
18 Mr. Alrai?

19 A. "Hi Nicole, Steve is the CEO and I was
20 reporting directly to him. Faisal managed the North
21 American operations and I had a dotted-line relation to
22 him as well. Both of them should be able to shed some
23 light on my personality and work ethics from supervisory
24 point of views. Thanks, Imran Alrai."

25 Q. Have you ever supervised Mr. Alrai?

1 A. No, I have not.

2 Q. Have you ever managed North American
3 operations, presumably for AISA Corporation?

4 A. No, I have not.

5 Q. Are any of the statements in this email about
6 you true?

7 A. It's not.

8 MR. HUNTER: Okay. Ms. Sheff, could you
9 please put Government Exhibit 603 on the screen.

10 Could you please just zoom in on the to-from
11 information at the top.

12 Q. Mr. Bhatti, is that your name?

13 A. That is my name.

14 Q. I know we've covered this ground, but have you
15 ever sent an email from ASIAConsulting.com?

16 A. I have not.

17 Q. Have you ever sent an email to Nicole Nash?

18 A. I never sent an email to Nicole Nash.

19 Q. Okay. And so how does Faisal in this email
20 start the email?

21 A. I'm sorry. Can you repeat the question?

22 Q. How does the email begin? Could you just read
23 the first line?

24 A. "Nicole, see my comments below."

25 MR. HUNTER: Okay. And so, Ms. Sheff, could

1 you actually just go down to the bottom of the email
2 really quickly, page 3? Page 2.

3 Could you just -- yeah, just zoom in on that
4 top paragraph.

5 Q. Is this an email from Nicole Nash reaching out
6 to Mr. -- a Mr. Bhatti?

7 A. Yes.

8 Q. And could you just read the last -- could you
9 just read the last two sentences?

10 A. Last two sentences?

11 Q. Yes. Or you can read the whole email. You
12 can read the whole email.

13 A. "My name is Nicole Nash and I am reaching out
14 to you because you have been given as a reference for
15 Imran Alrai. He has applied for our senior director
16 information technology position. I would like to know
17 more about your working relationship with Imran. Please
18 take a moment to respond to the following questions."

19 MR. HUNTER: Okay. And now we can go to the
20 top email, page 1.

21 Q. Okay. Sir, you read this where it says Nicole
22 "see my comments below," and here does it appear that
23 there are bold responses to each of the questions
24 Ms. Nash asked on the prior page?

25 A. Yes.

1 Q. Okay. So let's read the first question: How
2 long have you known Imran.

3 What's the response?

4 A. Since 1998.

5 Q. Is that true?

6 A. No.

7 Q. Okay.

8 "What is your working relationship with
9 Imran?"

10 What does it say there?

11 A. "He worked with me at AISA. I depended
12 heavily on him and his staff to provide support for the
13 North American services. We worked very closely
14 together and enjoyed a great relationship."

15 Q. Is that accurate?

16 A. No, it's not.

17 Q. Did you write that?

18 A. I did not.

19 Q. Okay. The next question: How would you
20 describe organization -- his organizational skills and
21 work ethic?

22 A. Do you want me to read that?

23 Q. Well, I can -- did you -- does this describe
24 his work ethic as excellent, perfect, and exemplary?

25 A. I'm sorry?

1 Q. You can read it, sir. You can read it.

2 A. Okay.

3 "Excellent, perfect, exemplary. He was always
4 ahead of schedule and paid great attention to details,
5 well organized and proactive, great personal morals and
6 highest level of work ethics. I learned a lot from him
7 and his management style."

8 Q. Did you write that?

9 A. I did not.

10 Q. "What are his greatest strengths and
11 weaknesses?"

12 A. You want me to read that out?

13 Q. Please do.

14 A. "People management skills and overall
15 knowledge that he offered added the most value for me.
16 I respect him as a very responsible individual who took
17 his commitments very seriously. I never had to worry
18 about any" --

19 Q. I think it goes on to the next page.

20 A. -- "responsibilities that I assigned to him
21 or he volunteered for. He was very successful at
22 negotiating with both internal and external clients to
23 build mutual stakes and partnerships."

24 Q. Did you write that?

25 A. I did not.

1 Q. And, finally, "how is he to work with?"

2 Can you read the --

3 A. "He was a joy to work with, had great
4 attitude, always optimistic and upbeat. I found him to
5 be very knowledgeable, very wise person, and a trusted
6 partner, full of positive energy and creativity."

7 Q. And did you write that?

8 A. I did not.

9 MR. HUNTER: I move to admit Exhibit 603.

10 MR. HARRINGTON: Oh, I apologize, Judge. I
11 was talking to my client. There's no objection.

12 THE COURT: Admitted.

13 (Government's Exhibit 603 admitted.)

14 MR. HUNTER: No further questions.

15 THE COURT: Thank you, Counsel.

16 Cross-examination.

17 MR. HARRINGTON: No questions for this
18 witness, Judge.

19 THE COURT: Sir, you're excused. Thank you.

20 THE WITNESS: Thank you very much, sir.

21 (Witness excused.)

22 THE COURT: Charli, how are we doing on time?

23 THE CLERK: I think about five minutes more
24 and it will be break time.

25 THE COURT: All right. Who's your next

1 witness, Counsel?

2 MS. LE: Khurra Khan, your Honor.

3 May I have a restroom break before we get
4 started, though?

5 THE COURT: Yes.

6 MS. LE: Thank you.

7 THE COURT: See how easy it is? All right.
8 Thank you. After the recess.

9 (Recess taken from 3:29 p.m. until 3:47 p.m.)

10 MR. HUNTER: Your Honor, one housekeeping --

11 THE COURT: Yeah.

12 MR. HUNTER: -- matter.

13 Mr. Bhatti asked if he could stay in the
14 courtroom for the rest of the day.

15 THE COURT: Sure.

16 MR. HUNTER: The government doesn't intend to
17 recall him. I defer to defense counsel.

18 THE COURT: Sure.

19 MS. LE: Your Honor, the government calls
20 Khurra Khan to the stand, please.

21 THE CLERK: Good afternoon, sir. Would you
22 like to come through the gate and step this way.

23 If you could step into the witness box and
24 remaining standing, please.

25 Please raise your right hand.

1 **KHURRA KHAN**, having been first duly sworn,
2 testified as follows:

3 THE CLERK: And for the record, please state
4 your full name and spell your last name.

5 THE WITNESS: Sure. First name is Khurra,
6 K-h-u-r-r-a, last name is Khan, K-h-a-n.

7 THE CLERK: Thank you. Please be seated.

8 THE WITNESS: Thank you.

9 DIRECT EXAMINATION

10 BY MS. LE:

11 Q. Good day, sir.

12 A. Good day.

13 Q. Mr. Khan, where do you live?

14 A. I live in Long Island, New York.

15 Q. How long have you lived in Long Island,
16 New York?

17 A. Almost ten years.

18 Q. Thank you for traveling here for this case.

19 A. Thank you.

20 Q. Sir, do you work?

21 A. Yes.

22 Q. What do you do for a living?

23 A. I work in IT.

24 Q. Okay. Do you have an educational background
25 in IT?

1 A. Yes, I do.

2 Q. Would you tell the Court a little bit about
3 your educational background?

4 A. Sure. I never complete the bachelor's degree,
5 but I have a few hours shy of bachelor's degree. So
6 that is what I have. But I have completed multiple
7 certifications in IT. And that is what I have.

8 Q. Okay. And have you worked in IT?

9 A. Yes.

10 Q. Can you give the -- I'm sorry.

11 A. Yeah, all my life.

12 Q. All your life?

13 A. Yes.

14 Q. Can you give the Court a little summary about
15 your work background in IT?

16 A. Sure. Currently I'm working for the Catholic
17 Health Systems. It's a hospital system in Long Island,
18 New York.

19 Prior to that, I was working for another
20 health system called Northwell. Prior to that I was
21 working for a Japanese company called Fujitsu,
22 F-u-j-i-t-s-u. And prior to that, I was working
23 installing info systems.

24 Q. Okay.

25 A. And before that, I was working in Barneys.

1 Q. Okay. So how long have you been with the
2 Catholic Health System, your current employer?

3 A. Three months.

4 Q. Three months. What is your title there?

5 A. Director of desktop services.

6 Q. And your job immediately prior to your current
7 job, what was that?

8 A. Northwell system, I was a manager of desktop
9 services.

10 Q. Okay. How long were you there?

11 A. Three -- six months.

12 Q. Okay. And did you ever work for a company
13 called Heritage Health in Harlem?

14 A. Yes.

15 Q. How long did you work there?

16 A. I worked over there briefly three months.

17 Q. Okay. What time frame did you work for --

18 A. That was --

19 Q. -- Heritage Health?

20 A. That was somewhere between last year from
21 October till December.

22 Q. So October, December 2018?

23 A. Yes.

24 Q. Okay. How long did you work for Fujitsu?

25 A. Four years.

1 Q. Okay. And when was that?

2 A. From 2014 to 2018.

3 Q. Sir, do you know Imran Alrai?

4 A. I'm sorry?

5 Q. Do you know Imran Alrai?

6 A. Yes, I do.

7 Q. Okay. Do you see him in court today?

8 A. Yes, I do.

9 Q. Is he at counsel table in the middle right
10 there?

11 A. That is correct.

12 Q. Thank you. How --

13 THE COURT: He has identified him.

14 MS. LE: Thank you, your Honor.

15 Q. How do you know Mr. Imran Alrai?

16 A. I met him through Faisal Bhatti back in 1995,
17 '96.

18 Q. So what is that, like 23, 24 years?

19 A. 23 years.

20 Q. Would you give the Court just a little bit of
21 a background on your relationship with Faisal Bhatti and
22 Imran Alrai?

23 A. We are friends. We met through school. We
24 all used to go to Texas Southern University, but Faisal
25 and I went to classes together and all of that. Imran

1 would never be in my classmate or anything like that.

2 Q. Okay. And was Texas Southern University in
3 Houston, Texas?

4 A. That is correct.

5 Q. You didn't attend classes together. Did you
6 become friends through Mr. Bhatti, then, with Mr. Alrai?

7 A. That is correct.

8 Q. Okay. And through the years have you
9 maintained that friendship?

10 A. That is correct.

11 Q. How?

12 A. Through phone calls, through sometimes --
13 because we live pretty far away from each other, so we
14 rarely meet, but usually from the phone.

15 Q. Okay. And have you been to his home?

16 A. Twice.

17 Q. Okay. Where have you visited him?

18 A. When he used to live in I believe in Boston
19 and when he purchased a house in New Hampshire.

20 Q. Okay. So you've been to his home in Windham,
21 New Hampshire?

22 A. That is correct.

23 Q. Okay. Has he been to your home?

24 A. Yes, twice.

25 Q. Okay. And where did you live when he visited

1 you?

2 A. When I used to live in Farmingdale,
3 Long Island, he visited once over there and then one
4 time he came out for a business purpose and we just met.

5 Q. Okay.

6 A. Yeah.

7 Q. And did you and Mr. Imran visit Mr. Bhatti at
8 some point in Houston, Texas?

9 A. Yes, we all get together once.

10 Q. Okay. And when was that, sir, if you
11 remember?

12 A. I do not recall the year, but it was like
13 three years back or four years maybe.

14 Q. Okay. Now, I want to talk to you about a
15 company called DigitalNet Technology Solutions. Okay?
16 Are you familiar with that company?

17 A. Yes.

18 Q. Okay. How do you know the name of that
19 company?

20 A. Through Imran.

21 Q. Okay. What did Imran tell you?

22 A. That he opened his business and that is his
23 company name.

24 Q. When would he have told you first about
25 DigitalNet?

1 A. I believe four years, five years back.

2 Q. Okay. Was this on the same -- around the same
3 time you went to visit Mr. Bhatti in Houston or was this
4 a different time?

5 A. I believe that is the same time.

6 Q. Okay. And what did he tell you about the
7 business?

8 A. He told me about that it's a consulting
9 company. He does lots of IT-related and I never asked
10 so many questions on to it. He shared his website.
11 That is it.

12 Q. Okay. Did you help him with anything?

13 A. No.

14 Q. Okay. Did you -- did he ask you to review the
15 website or give him any other advice?

16 A. I visited his website because he shared, you
17 know, we talk about professionally said the website
18 looks very good and all that. Besides that, never any
19 professional or any kind of input in it.

20 Q. Okay. Now, have you ever been a personal
21 reference for when Imran Alrai looked for work?

22 A. No.

23 Q. Okay. Have you ever been a reference for
24 Imran Alrai through his company DigitalNet?

25 A. No.

1 Q. Okay. When you -- when -- remember he told
2 you that he'd opened a new company? Did he tell you who
3 worked for him?

4 A. No.

5 Q. Okay. Did he tell you who the clients were?

6 A. No.

7 Q. Okay. So what did you know about DigitalNet?

8 A. I visited the website when he told me that and
9 that is it. That is all I know about. It's a
10 consulting company. He does lots of things. Besides
11 that, I do not know about his business, what he does,
12 who his clients and all of that.

13 Q. Okay. Did he tell you the company was based
14 in the U.S. or in some other place?

15 A. That is -- that is what my understanding,
16 maybe the company is in U.S. Besides that, I never
17 asked.

18 Q. Okay. Did he tell you about any employees in
19 Pakistan, for instance?

20 A. He never told me that, but I kind of figure it
21 out myself.

22 Q. How so?

23 A. I believe because through the consulting
24 business and it's -- offshore is much cheaper. So that
25 is how. But he never told me where in Pakistan and all

1 that. So I'm not aware who his employees are or
2 anything like that.

3 Q. So it sounds to me, based on your answer,
4 you're making an assumption, you don't actually know.

5 A. That is correct.

6 Q. Okay. Now, have you ever used the services of
7 DigitalNet?

8 A. Yes.

9 Q. When?

10 A. At Heritage Health, when I was employed over
11 there, and one of our servers went down. So I asked him
12 to help me out because his company or himself, they may
13 have expertise. So I asked him and he said that he can
14 do it; he can help me out.

15 Q. And this is when you worked at Heritage
16 Health, that company in Harlem --

17 A. New York --

18 Q. -- is that right?

19 A. -- that is correct.

20 Q. And you worked there for three months, right?

21 A. That is correct.

22 Q. What was your job title there when you were --

23 A. Director of IT.

24 Q. Okay. So was this a long-running project or a
25 pretty short duration project?

1 A. No, just a small project. It's not even a
2 project. We need immediate help and we don't have an
3 in-house, any expert person. So that's why I seek his
4 help.

5 Q. Okay. So this happened in 2018?

6 A. That is correct.

7 Q. Before 2018, did you use DigitalNet for any
8 services?

9 A. No, ma'am.

10 Q. Did any of the companies you worked for use
11 DigitalNet for any services?

12 A. No.

13 Q. Okay. In February or March of 2013, were you
14 working?

15 A. I believe so.

16 Q. Were you working at Barneys at that time?

17 A. That is.

18 Q. Okay. Where was Barneys located?

19 A. In Midtown Manhattan, New York.

20 Q. Did you have an office in the Midtown office?

21 A. I have an office in Midtown Manhattan and in
22 Lyndhurst, New Jersey.

23 Q. Okay. And how would you split your time
24 between the Barneys New York office and the Barneys
25 New Jersey office?

1 A. I'd start my day in Manhattan and then around
2 like 11:30, I traveled to New Jersey.

3 Q. How would you travel from Midtown Manhattan to
4 New Jersey?

5 A. I used the company's van. They take -- they
6 shuttle the employees.

7 Q. Okay. Do you know the defendant's father, Mac
8 Chaudhary?

9 A. No.

10 Q. Okay. You've never met Imran Alrai's father?

11 A. I met him --

12 Q. Okay.

13 A. -- twice.

14 Q. Twice. Do you know his name?

15 A. No, not really.

16 Q. Okay. When you would meet Imran's father, how
17 would you address him?

18 A. Just like sir or with respect and all of that
19 because it's my friend's father.

20 Q. All right. So during your relationship with
21 Imran over 20-plus years, you never learned the name of
22 his father?

23 A. It never goes through my mind should I ask him
24 his father's name.

25 Q. Okay. That's fair.

1 Sir, what is your ethnic background?

2 A. We are Pakistanis.

3 Q. Okay. And how about Imran's ethnic
4 background?

5 A. Pakistani.

6 Q. Okay. Did you ever learn what Imran's father
7 did for a living?

8 A. I believe he -- a long time ago, he told me
9 his father was a doctor.

10 Q. Okay. Were you ever told that his father
11 worked in IT?

12 A. No.

13 MS. LE: Okay. Now, I'd like to show you
14 Government Exhibit -- let's see -- 610.

15 Ms. Sheff, could you pull that up, please, and
16 if you could turn to page 580.

17 This has already been admitted into evidence,
18 your Honor, just for the record.

19 THE COURT: Yup.

20 MS. LE: Okay.

21 Q. So here there is a section called Customers?

22 A. Uh-huh.

23 Q. All right. And it reads: DigitalNet has
24 presence in the U.S., South Asia, and Middle East, with
25 many contented customers. As per DigitalNet's security,

1 privacy, and legal compliance policy, we do not share
2 any specific customer information without their prior
3 consent.

4 And below it says: Please provide two to
5 three customer references U.S.-based.

6 Do you see there's a name at the bottom there?

7 A. Yes.

8 Q. K. Salman Khan, IT director, Barneys New York,
9 New York, New York, phone 212-450-8667?

10 A. That is correct.

11 Q. Okay. Is K. Salman Khan your name?

12 A. Yes.

13 Q. Okay. Were you ever the IT director at
14 Barneys?

15 A. No.

16 Q. What job did you hold at Barneys?

17 A. IT manager.

18 Q. Okay. And that phone number, do you recognize
19 it?

20 A. Yes. That is my desk number.

21 Q. Which desk?

22 A. In New York office.

23 Q. Okay. During your tenure at Barneys, which I
24 believe you said was about -- sorry. How long did you
25 work at Barneys?

1 A. Three months.

2 Q. Three months. During those three months that
3 you worked at Barneys, did DigitalNet ever do any work
4 for Barneys?

5 A. No.

6 Q. Okay. And, to your knowledge, has DigitalNet
7 ever performed any work for Barneys?

8 A. No.

9 MS. LE: Ms. Sheff, can you turn to page 581?

10 Okay. The section here, Ms. Sheff.

11 Q. Okay. This is just a continuation from the
12 last page.

13 A. Uh-huh.

14 Q. Do you see a name that you recognize?

15 A. No.

16 Q. Do you know a person named Nabil Ejaz?

17 A. Yes.

18 Q. Okay. Do you know a Nabil Ejaz who works as
19 IT director, Abilities, Incorporated, New York,
20 New York?

21 A. No.

22 Q. Okay. Who is the Nabil Ejaz that you know?

23 A. If I'm not mistaken, if it is the same Nabil
24 Ejaz, then we used to work together.

25 Q. Okay. Tell us about your relationship with

1 Nabil Ejaz.

2 A. We were in completely two different
3 departments --

4 Q. Okay.

5 A. -- and we just briefly say hello if you ran
6 into each other. That's it.

7 Q. Okay. Did you know Mr. Ejaz from your work
8 together at the Merchant Marine Academy?

9 A. That is correct.

10 Q. When did you work at the Merchant Marine
11 Academy?

12 A. I believe in 2016 --

13 Q. Okay.

14 A. -- if not mistaken. I'm not recalling the
15 date.

16 Q. Sure. So you don't know for sure, but you do
17 agree you worked with him?

18 A. Yes.

19 Q. All right. As far as you know, does Nabil
20 Ejaz who worked with you know Imran Alrai?

21 A. No, I never knew that.

22 Q. One more question. Where was the Merchant
23 Marine Academy located?

24 A. It's in Kings Point, Long Island, New York.

25 MS. LE: Thank you, your Honor. No further

1 witness. We tender the witness.

2 THE COURT: Can you put that exhibit back up?

3 MR. DAVIS: 610.

4 MR. HARRINGTON: Judge, I don't have any other
5 questions.

6 THE COURT: Okay.

7 MS. LE: Do you want it on the last page that
8 we were on, your Honor?

9 THE COURT: Yeah.

10 MR. HARRINGTON: I had that as 580, Counsel.

11 MS. LE: 581 was the last page we were on.
12 I'll clear the screen.

13 THE COURT: All right, sir, you're excused.
14 Thank you.

15 THE WITNESS: Thank you so much.

16 (Witness excused.)

17 MR. DAVIS: Government calls Nabil Ejaz.

18 THE CLERK: Good afternoon, sir. If you'd
19 like to step this way.

20 If you could step into the witness box and
21 raise your right hand.

22 Please raise your right hand.

23 **NABIL EJAZ**, having been first duly sworn,
24 testified as follows:

25 THE CLERK: For the record, please state your

1 full name and spell your last name.

2 THE WITNESS: Nabil Ejaz, E-j-a-z.

3 THE CLERK: Thank you. Please be seated.

4 DIRECT EXAMINATION

5 BY MR. DAVIS:

6 Q. Please state your name.

7 A. Nabil Ejaz.

8 Q. And could you lean forward, please, and get a
9 little closer to the microphone.

10 A. Sure.

11 Q. Thank you.

12 And how are you employed?

13 A. I work for the U.S. Merchant Marine Academy.

14 Q. And speak slowly, please, because the court
15 reporter is taking it down.

16 What do you do for the U.S. Merchant Marine
17 Academy?

18 A. I'm a senior network engineer.

19 Q. And how long have you been working at Merchant
20 Marine?

21 A. About seven years almost.

22 Q. All right. And did you start in March of
23 2012?

24 A. I did.

25 Q. Okay. And can you state a little bit about

1 your background and education?

2 A. Sure. I went to New York Tech for my
3 bachelor's in computer science and moved out to a
4 full-time job, got some certifications in the meantime
5 IT-related, also started pursuing my master's for a bit,
6 but I kind of dropped off with that and kept working
7 full time.

8 Q. Okay. And you're now in the IT department at
9 Merchant Marine Academy?

10 A. Yes, I am.

11 Q. Okay. Let me show you Exhibit 401, the second
12 page of Exhibit 401. These are some handwritten notes.
13 Do you see those?

14 A. Yes, I do.

15 Q. And you see the date March 1st of 2013,
16 right --

17 A. (Nods head.)

18 Q. -- up on the left?

19 A. Yes, I do.

20 Q. And there's a phone number. Is that your
21 name, Nabil Ejaz?

22 A. Yes, it is.

23 Q. And the phone number 516-527-0880, do you
24 recognize that phone number?

25 A. That is my phone number.

1 Q. And is it your phone number now?

2 A. It is, yes.

3 Q. And was it your phone number in 2013?

4 A. Yes, it was.

5 Q. Okay. So you said you started at Merchant
6 Marine Academy in 2012, right?

7 A. That's correct.

8 Q. So on this date, on this document, on
9 March 1st, you were not at Abilities New York, right?

10 A. I was not.

11 Q. You were actually at the Merchant Marine
12 Academy?

13 A. That's correct.

14 Q. Okay. And where was your prior job before
15 Merchant Marine Academy?

16 A. I worked for a company in upstate New York
17 called BTX Technologies.

18 Q. BTX?

19 A. Yes, sir.

20 Q. Okay. And what was the job there?

21 A. I was IT manager.

22 Q. And what part of New York or what town?

23 A. That's in Hawthorne, close to White Plains.

24 Q. Okay. So that's upstate to you, huh?

25 A. Yeah. From Long Island, it is.

1 Q. Very good. All right. And what was the time
2 frame of your job at BTX?

3 A. I had started there in October 2010 and I was
4 there till right before I started at the Merchant Marine
5 Academy, so March 2012.

6 Q. Okay. So from October '10 to March '12,
7 correct?

8 A. That's correct.

9 Q. And before BTX, where did you work?

10 A. I worked at Abilities.

11 Q. You worked at Abilities New York?

12 A. That's correct.

13 Q. All right. Were you the IT director at
14 Abilities?

15 A. I was the director of Smeal Learning Center,
16 which was their online multimedia department, so to say.

17 Q. Okay. So not the IT director?

18 A. I was not, no.

19 Q. Okay. All right. So let me show you
20 Exhibit 610 again, which is already in evidence and it
21 references -- go back -- this page is fine.

22 MS. SHEFF: Okay.

23 MR. DAVIS: Sorry.

24 Q. On so on page 518, do you see your name, Nabil
25 Ejaz, IT director, Abilities, Inc., New York, and the

1 phone?

2 A. I do.

3 Q. And that, again, is your phone number?

4 A. That's correct.

5 Q. Okay. And who -- can you read down this email
6 who is signing it at the bottom? Do you see that it's
7 signed by someone named Mohammad?

8 A. Right.

9 Q. Okay. And do you see that -- can we see the
10 email address that Mohammad is writing from on the page
11 before that?

12 Okay. So had you ever heard of a -- or have
13 you ever heard of a company called DigitalNet Technology
14 Solutions?

15 A. I had not, no.

16 Q. Okay. Did you ever do any business with
17 DigitalNet Technology Solutions?

18 A. I have not.

19 Q. Did any company you ever worked for do
20 business with DigitalNet Technology Solutions?

21 A. Not that I know of.

22 Q. Okay. And have you ever heard of anyone who
23 did do business with DigitalNet?

24 A. I have not.

25 Q. Okay. And what about a company called AISA

1 Corporation or AISA Consulting, spelled A-I-S-A; have
2 you ever heard of that company?

3 A. I have not.

4 Q. Or AISA Consulting Group, have you heard of
5 that?

6 A. No, sir.

7 Q. Okay. And do you know a man named Imran
8 Alrai?

9 A. I do not.

10 Q. All right. Have you -- you don't know that
11 you've ever met him?

12 A. Not to my knowledge.

13 Q. Directing your attention to counsel table to
14 my left, to the gentleman in the middle of the table,
15 have you ever seen that person before?

16 A. I have not.

17 Q. Do you have any idea how your name and phone
18 number were listed as a business reference for
19 DigitalNet Technologies?

20 A. I'm not sure.

21 Q. All right. So you do know Mr. Khurra Khan?

22 A. I do, yes. We were colleagues.

23 Q. Sorry?

24 A. We were colleagues at the U.S. Merchant Marine
25 Academy.

1 Q. And that's Mr. Khan, K-h-a-n, right?

2 A. Correct.

3 Q. Do you recall how long you worked with him and
4 where -- what year it was at Merchant Marine?

5 A. He was already employed there when I started
6 and I believe he left after a few months for a different
7 opportunity. So I would say maybe three, four, five
8 months or so.

9 Q. So it was really at the very beginning of your
10 being at Merchant Marine?

11 A. That's correct.

12 Q. And then he left, correct?

13 A. Yes, sir.

14 Q. And had he already left by March 1st of 2013,
15 the day of those handwritten notes we saw or do you
16 know?

17 A. To the best of my recollection, I would say he
18 had left by then.

19 Q. You think he had already left --

20 A. Yes.

21 Q. -- Merchant Marine?

22 A. I believe so.

23 Q. Okay. And, of course, you were nowhere near
24 Abilities, Inc.; at that point, you were two jobs beyond
25 it, right?

1 A. That's correct.

2 Q. Okay. Did you speak to Mr. Khan after he'd
3 left?

4 A. We spoke a couple of times for some things he
5 needed help with as far as documentation and whatnot for
6 his new job.

7 Q. Okay. And did he ever make a -- he, Mr. Khan,
8 did he ever make an offer to you?

9 A. An offer?

10 Q. Did he ever offer to help you in some way?

11 A. No, he did not.

12 Q. Are you sure? Did he -- did he ever help
13 you -- offer to help you get into a company?

14 A. He may have, but I think I never really took
15 him up on the offer because I think after he had left,
16 he went to some corporate firm in the city. And, of
17 course, being in IT, you're always looking for the next
18 best job that you can have something permanent and we
19 were contractors at U.S. Merchant Marine Academy.

20 So he may have offered. I just -- I don't
21 recall if he did.

22 Q. Okay. So you now work for Merchant Marine
23 Academy?

24 A. I still do, yes.

25 Q. Is that a U.S. Government facility?

1 A. Yes, it is.

2 Q. Is it part of the Department of Defense?

3 A. It is not. It's actually under the Department
4 of Transportation.

5 Q. Okay. What is its mission?

6 A. Their mission is to train cadets to become
7 U.S. merchant mariners so they can work in the
8 commercial and U.S. military fleets.

9 Q. All right. So is it your testimony, sir, that
10 you never gave a reference for DigitalNet Technologies?

11 A. That's correct.

12 Q. Did you ever get a call for a reference from
13 DigitalNet Technologies?

14 A. I -- no.

15 Q. And would you have given a reference for a
16 company you don't know anything about?

17 A. I would not.

18 MR. DAVIS: Nothing further.

19 THE COURT: Cross-examination.

20 MR. HARRINGTON: No questions, your Honor.

21 THE COURT: Just so I'm clear, the handwritten
22 exhibit you were using, right, what was that again?

23 MR. DAVIS: Your Honor, that was 401. Those
24 were previously admitted notes of Ms. Latimore.

25 THE COURT: Right. That's what I thought.

1 Okay. The inference being that wasn't really him they
2 were talking to, right?

3 MR. DAVIS: (Shrugs shoulders.)

4 THE COURT: You don't know. What's your
5 position? You're going to have to close. What are you
6 going to argue?

7 MR. DAVIS: Mr. Hunter has to close, your
8 Honor.

9 THE COURT: Ah, good dodge. All right. I --
10 well, I just want to make sure I'm following, drawing
11 whatever inference -- what inference --

12 MR. DAVIS: The facts are what they are, your
13 Honor, but Mr. -- Mr. Alrai gave a reference with this
14 man's name in it --

15 THE COURT: I know.

16 MR. DAVIS: -- and this man, we've spoken to
17 him, and he's now testified --

18 THE COURT: That that wasn't him who was
19 involved in the conversation with Latimore.

20 MR. DAVIS: Correct.

21 THE COURT: Yeah. Okay. I guess I'm
22 following you.

23 Thank you, sir.

24 THE WITNESS: Thank you.

25 (Witness excused.)

1 MR. DAVIS: Government calls Nicole Nash.

2 THE CLERK: Good afternoon. If you'd like to
3 step this way, please.

4 Please step into the witness box and remain
5 standing.

6 THE WITNESS: All right.

7 THE CLERK: Please raise your right hand.

8 **NICOLE NASH**, having been first duly sworn,
9 testified as follows:

10 THE CLERK: For the record, please state your
11 full name and spell your last name.

12 THE WITNESS: Nicole L. Nash, N-a-s-h.

13 THE CLERK: Thank you. Please be seated.

14 DIRECT EXAMINATION

15 BY MR. DAVIS:

16 Q. Please state your name.

17 A. Nicole L. Nash.

18 Q. And how are you employed?

19 A. I work at the United Way.

20 Q. And what do you do at the United Way?

21 A. I'm their human resources coordinator.

22 Q. All right. And how long have you worked at
23 United Way?

24 A. 19 years.

25 Q. And what are your duties as a human resources

1 coordinator?

2 A. Recruitment, administrative, and coordination,
3 meeting coordination.

4 Q. Okay. And, Ms. Nash, I'll ask you to lean a
5 little closer to the microphone so the Court can hear.

6 A. Uh-huh.

7 Q. In 2012, who did you immediately work for?

8 A. Jane Grady.

9 Q. All right. And do you know a Mr. Imran Alrai?

10 A. Yes.

11 Q. And when did you first meet him?

12 A. When -- during the recruitment process, 2012.

13 Q. All right. And as a human resources
14 coordinator, do you have duties in the recruitment
15 process?

16 A. Yes.

17 Q. And can you explain what those are, briefly?

18 A. Posting, sorting resumes, coordinating
19 interviews, phone screens, reference checks, and
20 extending offers.

21 Q. Okay. Now, in the case of Mr. Alrai's hiring
22 process, did you have a particular role?

23 A. Yes.

24 Q. And what was that?

25 A. I helped in the recruitment process and I

1 worked with the hiring managers. I also did screenings.

2 Q. All right. And did you -- did you -- as part
3 of that, do you make phone calls to references?

4 A. Yes.

5 Q. And did you do that here?

6 A. Yes.

7 Q. Did you know the company he was coming from?

8 A. Yes.

9 Q. And what was that?

10 A. In looking -- I'd have to look back at
11 records.

12 Q. All right. So I'm showing you Exhibit 405.
13 Among the documents you obtained, did you obtain a
14 resume from Mr. Alrai?

15 A. That's -- yes, I did.

16 MR. DAVIS: Your Honor, move to admit
17 Exhibit 405 and strike the ID.

18 MR. HARRINGTON: No objection, Judge.

19 THE COURT: It's admitted. Thank you.

20 (Government's Exhibit 405 admitted.)

21 Q. Do you recognize 405 as the resume of
22 Mr. Alrai?

23 A. Yes.

24 Q. Okay. So this is submitted to you in early
25 2012, presumably?

1 A. Yes.

2 Q. All right. And the first job, here on the
3 first page, is Robert Allen Group, vice-president IT and
4 CIO. Do you see that?

5 A. I do.

6 Q. Okay. That -- the next page of the resume
7 describes another job. Actually, one more page.

8 Do you see this job here, AISA Corporation,
9 Reston, Virginia?

10 A. Yes.

11 Q. And it says that he worked from May of '98 to
12 May of 2006, correct?

13 A. Yes, it does.

14 Q. And did he get -- did it give you the title
15 that he had there?

16 A. Yes.

17 Q. And what was that?

18 A. Senior vice-president of operations and chief
19 information officer.

20 Q. Okay. And before that, director of IT and
21 deputy chief?

22 A. Yes.

23 Q. All right. And just going down a little bit,
24 can you read the first few sentences there in the
25 "manage globally" paragraph?

1 A. Uh-huh. Let me get a little closer. Thank
2 you.

3 "Manage globally disbursed teams of finance,
4 operations, human resources, facilities, customer
5 service, and information technology associates in a 24/7
6 high-pressure environment for this IT consulting and
7 business process outsourcing organization."

8 Keep going?

9 Q. Please.

10 A. "Provide global vision and hands-on leadership
11 for formulating, evaluating, and implementing corporate
12 policies and initiatives that prove -- that improve,
13 excuse me -- the quality and efficientness (sic) --

14 Q. Effectiveness?

15 A. -- effectiveness, sorry, of the organization
16 and efficiencies of its business operations.

17 "An integral member of the executive committee
18 and as a participant in all committees tasks and
19 responsibilities, formed a chair -- formed and -- form
20 and chair the strategic IT governance committee to
21 prioritize business initiatives that leverage
22 technology."

23 Q. All right. Now, did you have any separate
24 information about something called AISA Corporation
25 other than this resume when you got it?

1 A. No.

2 Q. All right. I'm showing you Government
3 Exhibit 208.

4 Okay.

5 A. Okay.

6 MR. DAVIS: And go to the second page, if you
7 would.

8 This shows this is a record from the
9 Commonwealth of Virginia.

10 And I move to admit Exhibit 208 and strike the
11 identification.

12 MR. HARRINGTON: No objection, Judge.

13 THE COURT: Admitted.

14 (Government's Exhibit 208 admitted.)

15 Q. And can you see that AISA Corporation is being
16 registered for \$75 in July of 2004 by Imran Alrai in an
17 address in Reston, Virginia?

18 A. Yes.

19 Q. Did you have that information back when you
20 were hiring Mr. Alrai?

21 A. No.

22 Q. All right. Now, did you ask for references
23 from Mr. Alrai?

24 A. Yes, I did.

25 Q. And did you send an email to him in the email

1 address he'd given you?

2 A. Yes.

3 Q. And was that dated March 1st?

4 A. Yes.

5 Q. All right. Showing you Exhibit 601, briefly,
6 we've already seen this.

7 Is this in evidence?

8 MS. SHEFF: Yes.

9 MR. DAVIS: 601 in evidence, your Honor.

10 MS. SHEFF: No, it is not. I'm sorry.

11 MR. DAVIS: I'm sorry.

12 Q. Is this the email chain of your correspondence
13 with Mr. Alrai?

14 A. Yes, it is.

15 MR. DAVIS: And, your Honor, I'd move to admit
16 601 and strike the ID.

17 MR. HARRINGTON: No objection.

18 THE COURT: Admitted.

19 (Government's Exhibit 601 admitted.)

20 Q. And going back to the first page, does this
21 have your email message to Mr. Alrai?

22 A. Yes.

23 MR. DAVIS: I'm sorry; to the last page,
24 whatever we call it.

25 Okay. So scroll up.

1 Q. You actually had several communications with
2 him, right?

3 A. Uh-huh.

4 MR. DAVIS: So scroll up to the page before
5 that.

6 Q. And this is talking about interviews, but at
7 the very top on March 1st, can you read what you wrote,
8 Ms. Nash?

9 A. Uh-huh.

10 "Great. One more thing. When you have a
11 moment, please send me three business references. Thank
12 you, Imran. Nicole."

13 Q. Okay. So this is March 1st and, again, to the
14 first page, do you see the names you got from Mr. Alrai?

15 A. It's not showing first, but I saw the business
16 references.

17 Q. Yeah, the very first page, sorry. I mean the
18 top of the email.

19 A. Yes.

20 Q. Here we have it.

21 A. Yes.

22 Q. On March 5th, you get the following business
23 references?

24 A. Yes.

25 Q. And they are Bassam Alqassar, Steve Anderson,

1 and Faisal Bhatti, correct?

2 A. Yes.

3 Q. "Thank you, Imran Alrai."

4 Okay. So did you actually follow up on those
5 references?

6 A. Yes.

7 Q. And what happened first?

8 A. I believe I reached out to all of them by
9 phone and was -- ended up getting -- sending emails as
10 well to the folks that I did not reach initially by --
11 by phone.

12 Q. Okay. And of them, how many did you actually
13 speak to on the phone?

14 A. One.

15 Q. Sorry?

16 A. One.

17 Q. And was that the first one, Mr. Bassam
18 Alqassar?

19 A. Yes.

20 Q. And he's listed as chief information officer
21 at Princess House?

22 A. Yes.

23 Q. And you actually spoke to him?

24 A. On the phone, yes.

25 Q. And did he give you a positive reference on

1 behalf of Mr. Alrai?

2 A. Yes.

3 Q. Okay. Now, the next name is Steve Rampal
4 Anderson. Do you see that?

5 A. Yes.

6 Q. He was supposedly chairman of the AISA
7 Corporation --

8 A. According --

9 Q. -- right?

10 A. -- to this, yes.

11 Q. All right. Now, what happened when you tried
12 to reach him and how did you actually connect with him?

13 A. I ended up emailing him --

14 Q. Okay.

15 A. -- because he was a traveler. And I must have
16 ended up leaving a message initially, but I emailed him
17 as well.

18 Q. Okay. And his -- his email address is at this
19 ASIAConsulting.com email domain; is that right?

20 A. Yes, that would be the only email that I would
21 have for him, yes.

22 Q. Okay. And did you actually get an email back
23 from Mr. Anderson?

24 A. I did.

25 Q. Showing you Exhibit 602, is this the email you

1 received from Mr. Anderson when you asked for a
2 reference?

3 A. Yes.

4 MR. DAVIS: Okay. And, your Honor, I move to
5 admit 602 and strike the ID.

6 MR. HARRINGTON: No objection, Judge.

7 THE COURT: Admitted.

8 (Government's Exhibit 602 admitted.)

9 Q. All right. So you received this on March 12th
10 of 2012; is that correct, Ms. Nash?

11 A. Yes.

12 Q. All right. Can you read, please, just the
13 body of the email from Mr. Anderson?

14 A. "Dear Ms. Nash, I have known Imran for about
15 15 years and he was a part of my cabinet as the senior
16 vice-president. He managed the operations for our
17 company that included finance, HR, info tech, customer
18 service, and facility services.

19 "Imran is a unique individual and I found him
20 well-organized, proactive, and very responsive. He was
21 always up-to-date on his tasks and I have -- and I don't
22 remember having any issues under his direct areas of
23 responsibilities. Imran is very strategic with his
24 approach and always carries a broad vision. I
25 benefitted most from his unique ability to think outside

1 the box and bring solutions to the problems -- to
2 problems. He got things done for me the right way, on
3 time and on budget. He always brought all parties to
4 the discussion table and took a team approach in
5 decision-making. He was a major player in creating a
6 true sense of team environment at our company. He is
7 very easy to work with. I could always talk to him
8 about a lot of subject matters and he always -- oops --
9 and he was always a good counsel to me. I am glad that
10 you are considering him for a senior role at your
11 organization. Let me assure you that he will be an
12 asset to you and you will see major improvements due to
13 his presence from day one. If you have more questions,
14 please feel free to contact me, thanks, Steve."

15 Q. All right. And did you regard this as a
16 positive reference, obviously?

17 A. Yes, I did.

18 Q. Okay. Now, you also corresponded with
19 Mr. Faisal Bhatti; is that right?

20 A. Yes.

21 Q. And also at an ASIAConsulting.com email?

22 A. Yes.

23 Q. And did that concern you at all as a -- as a
24 part of the hiring process that you were talking to two
25 people from the same company?

1 A. No.

2 Q. Why is that?

3 A. It's happened before and it depends how long a
4 person has been with a company. Sometimes they want to
5 stay within the same company because if it's -- their
6 current employer may not know that they're looking. So
7 it didn't come across as odd.

8 Q. Okay. So I'm showing you now Exhibit 603.

9 Is 602 in evidence? Did I move that in?

10 MS. SHEFF: Yes, it is.

11 MR. DAVIS: Okay. 603 is in evidence, I
12 believe.

13 MS. SHEFF: Yes.

14 MR. DAVIS: Okay.

15 Q. And we won't -- let's just go to the bottom,
16 Ms. Nash, to -- or the beginning of it.

17 Did you actually reach out yourself to
18 Mr. Faisal Bhatti at that ASIAConsulting.com email?

19 Can we see the beginning of the email?

20 A. Yes.

21 Q. All right. And you have a list of questions
22 here: Hello, Mr. Bhatti, my name is Nicole Nash.

23 Is that you?

24 A. Yes.

25 Q. Okay. And, again, why did you decide to go

1 the email route with Mr. Bhatti as opposed to still
2 trying to talk to him on the phone?

3 A. I was -- he was traveling and we wanted to get
4 the references back as quickly as possible.

5 Q. Okay. So we have -- we won't go through this
6 again, but did you get a written response back from
7 Mr. Faisal Bhatti that was again very positive about
8 Imran Alrai?

9 A. Yes.

10 Q. Okay. Now, did you also reach back out to
11 Mr. Alrai with one additional question about this?

12 A. Yes.

13 Q. And what was that additional question about?

14 A. Whether or not any of the folks were -- that
15 he had given me was a -- previous supervisor or manager.

16 Q. Okay. And why was that important?

17 A. We always ask -- we ideally like a previous
18 supervisor or current supervisor as a reference.

19 Q. Okay. And showing you now Exhibit 604, is --
20 do you recognize 604?

21 A. Yes.

22 Q. And is that an email correspondence between
23 you and Mr. Alrai about your follow-up question?

24 A. Yes.

25 MR. DAVIS: Okay. Your Honor, move to admit

1 Exhibit 604 and strike the ID.

2 MR. HARRINGTON: No objection.

3 THE CLERK: It's admitted.

4 THE COURT: It's admitted.

5 MR. DAVIS: Okay.

6 Q. And we don't have to read that again, but what
7 you offered in your email, it says, if not, would you be
8 able to send me a manager/supervisor reference, correct?

9 A. Yes.

10 Q. Because you'd already communicated with Steve
11 and with Faisal, right?

12 A. Right.

13 Q. But you just wanted to find out if they were
14 previous supervisors; otherwise, he could send you
15 another name, right?

16 A. Correct.

17 Q. But what he said is they're both supervisors,
18 essentially, correct?

19 A. Yes.

20 Q. So did you get any other names from Mr. Alrai?

21 A. No.

22 Q. All right. Now, what did you do with the
23 references you received from Mr. Alrai?

24 A. Shared them with my hiring managers.

25 Q. You shared them with your --

1 A. The hiring managers.

2 Q. Okay. So you passed them along in the hiring
3 process?

4 A. Yes.

5 Q. And was he -- was Mr. Alrai promptly hired in
6 the IT job?

7 A. Yes.

8 Q. Okay. So just one other area.

9 Did you also work on distributing PowerPoints
10 for officewide meetings?

11 A. Yes.

12 Q. And do you recall a particular PowerPoint that
13 happened in May of 2013 related to an IT themed meeting?

14 A. Yes.

15 Q. And what was that about?

16 A. Our IT staff was presenting to -- to all staff
17 in regards to some of the upcoming changes being
18 implemented in our organization.

19 Q. Okay. And the -- when you say our IT staff,
20 that would have been led by that time with -- by Imran?

21 A. By Imran, correct.

22 Q. Right. And at that time, had -- that was more
23 than a year after you hired him, correct, May of --
24 2013?

25 A. Yes.

1 Q. And at that point, were you aware whether
2 DigitalNet was already a contractor now for the United
3 Way and providing IT services?

4 A. Yes.

5 Q. Okay. So directing your attention to
6 Exhibit 615, is this the email attaching the PowerPoint
7 from Mr. Alrai to you?

8 A. Yes.

9 MR. DAVIS: Your Honor, I move to admit
10 Exhibit 615 and strike the ID.

11 MR. HARRINGTON: No objection, Judge.

12 THE COURT: Don't take it off yet.

13 Admitted.

14 (Government's Exhibit 615 admitted.)

15 Q. It says: Hello, Nicole, attached please find
16 the IT update PowerPoint, correct --

17 A. Yes.

18 Q. -- that he is going to go over during the
19 staff meeting tomorrow.

20 A. Yes.

21 Q. And your job was to circulate this and get it
22 to the right people?

23 A. Yes --

24 Q. Okay.

25 A. -- and have it ready for the meeting.

1 Q. Okay. So let's look at the attachment. It's
2 an all staff meeting technology update, right?

3 A. Yes.

4 Q. Let's go to the next to last page.

5 Okay. Here, see where it says IT services at
6 the top?

7 A. Yes.

8 Q. Can you read what it says after that?

9 A. "Contract awarded to DigitalNet, based in
10 Andover, Mass., offices around the globe, leader in
11 cloud computing and technology modernization.

12 "How are they -- how are they doing? Feedback
13 from the user company -- community.

14 "CWAIN update, services will not be needed
15 after full implementation of Andar/360."

16 MR. DAVIS: Excuse me, your Honor. I'm sorry.

17 THE COURT: That's okay.

18 MR. DAVIS: Nothing further. Thanks.

19 MR. HARRINGTON: I have no questions for
20 Ms. Nash, your Honor.

21 THE COURT: Thank you. You're excused.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 MR. DAVIS: Government calls Diane Dragoff.

25 THE CLERK: Good afternoon. If you'd like to

1 step this way.

2 THE WITNESS: Thank you.

3 THE CLERK: If you could step into the witness
4 box and remain standing.

5 Please raise your right hand.

6 **DIANE DRAGOFF**, having been first duly sworn,
7 testified as follows:

8 THE CLERK: And, for the record, please state
9 your full name and spell your last name.

10 THE WITNESS: Can I sit?

11 THE CLERK: Yes, you may sit.

12 THE WITNESS: Okay.

13 THE CLERK: Just state your full name and
14 spell your last name.

15 THE WITNESS: My name is Diane Dragoff. My
16 last name is spelled D-r-a-g-o-f-f.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. DAVIS:

20 Q. And Ms. Dragoff, are you currently retired?

21 A. Yes, I am.

22 Q. And did you work at the United Way prior to
23 retirement?

24 A. Yes, I did.

25 Q. For how many years?

1 A. Almost 18.

2 Q. Almost 18 years?

3 A. 17 and change, yes.

4 Q. And what was your job title there when you
5 finished?

6 A. Senior director of organizational operations.

7 Q. Okay. And who did you report to between
8 approximately 2012 and 2018?

9 A. I believe I reported to Jack Rotondi at that
10 point.

11 Q. Okay. So your title is a mouthful. Can you
12 explain what you -- what you did?

13 A. I basically did anything that other people
14 didn't want to do, which meant purchase of insurance,
15 facilities management in terms of working with
16 landlords -- we didn't own any buildings -- working with
17 the landlords, maintenance, working with vendors,
18 et cetera, along with my original -- what I came in
19 there to do was purchasing manager. So I did that, too.

20 Q. Okay. And would it have been accurate to
21 describe you as someone in procurement?

22 A. At times.

23 Q. Yeah. Okay. But certainly you did a lot of
24 buying things for the organization --

25 A. Yes.

1 Q. -- right?

2 Okay. Did you know Imran Alrai?

3 A. Yes.

4 Q. Okay. And when did you meet him?

5 A. At United Way.

6 Q. And --

7 A. At United Way.

8 Q. And did you meet him when he started in 2012?

9 A. When he started, yeah.

10 Q. Okay. And how much interaction did you have
11 with him?

12 A. Just a normal colleague at work.

13 Q. Normal colleague?

14 A. Yeah.

15 Q. Okay. All right. Now, do you recall a --
16 about a year after Mr. Alrai came on board, not quite,
17 an RFP process in which United Way was attempting to
18 identify a vendor to become its managed IT services
19 provider, to be a major contractor with United Way?

20 A. I'm not quite sure of dates and times.

21 Q. Okay.

22 A. Okay. There have been several vendors during
23 the time I was at United Way.

24 Q. Okay. Do you remember the vendor CWAIN, C --

25 A. I remember the name, yes.

1 Q. All right. And do you remember the vendor
2 DigitalNet?

3 A. I know the name, yeah.

4 Q. Okay. And this would have been the process
5 that resulted in the hiring of DigitalNet, the
6 contracting with DigitalNet?

7 A. Okay.

8 Q. Okay? Now, do you recall whether you were
9 tasked to be on a -- a group with two other people to
10 work on the RFP process for that RFP?

11 A. The original?

12 Q. For the original RFP for DigitalNet.

13 A. I -- I don't -- if I saw a document I could
14 tell you, but I don't recall other than being asked to
15 do bits and pieces later on.

16 Q. Okay.

17 A. I might have -- I'm not sure. I can't recall.

18 Q. All right. On -- let me see.

19 I'm showing you Exhibit 607 in evidence.

20 So just -- can we go to the first page?

21 MS. SHEFF: The first page or the last?

22 MR. DAVIS: The first for now, and then first
23 page of the attachment.

24 MS. SHEFF: Okay.

25 Q. So this is -- we're on page 81395. It's a

1 request for a proposal information technology manages --
2 managed services provider. It's dated January 14th,
3 2013.

4 Do you see that, Ms. Dragoff?

5 A. Yes, I do.

6 Q. And do you remember this RFP process?

7 A. I've been through a number of these. I would
8 have to see --

9 Q. Okay. But this is still not ringing any
10 particular bells in your memory?

11 A. I've been through a number of these processes.
12 I'm sorry I can't be more specific.

13 Q. That's okay.

14 A. Yeah.

15 Q. That's okay.

16 A. Yeah.

17 Q. So this still is not ringing bells, correct?

18 A. No.

19 Q. Let me ask it a different way. Were you -- do
20 you recall being on a committee with Azim Mazagonwalla
21 and led by Mr. Imran Alrai to review RFPs?

22 A. For IT specifically?

23 Q. For an IT RFP just like this.

24 A. I worked on phone stuff. I worked on other
25 tech -- not technology, but credit card things. I -- I

1 don't recall -- I can't recall.

2 Q. Understood. And I'm not trying to badger you.

3 A. Okay. I'm sorry I can't give you anything
4 more specific.

5 Q. You can only say what you can remember.

6 A. Correct.

7 Q. All right. Let me ask this. Did you have any
8 particular knowledge or expertise in the IT field?

9 A. No, and I made no bones about that because
10 it's not my training.

11 Q. Do you come from an IT background?

12 A. Not at all.

13 Q. And if someone gave you an RFP proposal for a
14 big IT contract, would you be confident that you could
15 evaluate it properly?

16 A. I would have to ask a lot of questions and get
17 a lot of detail.

18 Q. Okay.

19 A. It's not something that I could read and
20 understand --

21 Q. Right.

22 A. -- on my own.

23 Q. So let me just ask you, do you recall ever
24 reviewing a proposal in response to this RFP for a big
25 IT managed services provider?

1 A. I don't recall.

2 Q. Okay. And if you had been shown proposals
3 coming in from legitimate vendors that are basically
4 bidding on this contract to United Way about a big IT
5 services contract, would you have known what you were
6 looking at if you got those RFPs, proposals?

7 A. I read a lot of proposals --

8 Q. Right.

9 A. -- but I would have questions and all what I
10 can do an analysis on is who's higher, who's lower. As
11 far as going in the weeds and the technical stuff, I
12 couldn't do that part of it.

13 Q. Okay. All right. And last question about
14 that, do you have any memory of dealing with Azim about
15 this same thing, Azim Mazagonwalla?

16 A. I can't tell you specifically.

17 Q. Okay. All right. Now, let me ask you about a
18 different thing.

19 In 2016, do you recall you were working for
20 Jack Rotondi?

21 A. Yes.

22 Q. And do you recall a due diligence effort where
23 you were assigned to do some research about DigitalNet?

24 A. Yes.

25 Q. Okay. I'm showing you now Exhibit 643.

1 Okay. Let's go to the back of that and -- the
2 next page, I think.

3 And Jack Rotondi was vice-president of
4 organizational operations?

5 A. Right.

6 MR. DAVIS: Okay. And even a little further
7 back, that -- there you had it.

8 Q. We're looking now at page 8761. Do you see
9 that?

10 A. Yes.

11 Q. And do you see the paragraph 4 and then a
12 letter (a)?

13 A. Yes.

14 Q. Okay. Could you read that briefly, please.

15 A. Okay.

16 "4. Simultaneously with item number 1 above,
17 (a), Diane to perform literature/web search, in quotes,
18 on DigitalNet to uncover any current highlights or low
19 lights. In parenthetical, Diane, colon, please contact
20 me tomorrow on this, closed paren."

21 Q. Okay. And then what does 4(b) say?

22 A. "Imran to provide Jack and Diane via email
23 with the following three things for each of the five
24 POs: List of competitive vendors, competitive pricing
25 offered by those respective vendors, why we chose the

1 final vendor."

2 Q. Okay. So -- and let's go back to the top of
3 the email, of that same email.

4 You write a note to -- one more back to the
5 front of it.

6 Here in the middle of the page on July 18th of
7 2016, do you see what you wrote then, Ms. Dragoff?

8 A. Yes.

9 "I saw it this morning. I'm actually working
10 on it now. DigitalNet is tricky. There are several
11 companies using that name. I'm not coming up with
12 anything other than websites. I'll continue
13 researching."

14 Q. Okay. So that's enough on 643.

15 Did you keep working, trying to find out
16 information about DigitalNet?

17 A. Yes, I did.

18 Q. Okay. Showing you now Exhibit 648, do you
19 recognize that as an email from Jack Rotondi to you at
20 United Way?

21 A. Yes.

22 MR. DAVIS: And, your Honor, I'd move to admit
23 Exhibit 648 and strike the ID.

24 MR. HARRINGTON: No objection, Judge.

25 THE COURT: Admitted.

1 (Government's Exhibit 648 admitted.)

2 Q. Okay. Now, on the middle of that page --

3 THE COURT: Let me just ask you, for planning
4 purposes now, not for anything else, about how much
5 longer on direct, roughly?

6 MR. DAVIS: Five minutes.

7 THE COURT: How much cross do you have
8 planned?

9 MR. HARRINGTON: Quick, if any, Judge.

10 THE COURT: Go ahead.

11 MR. DAVIS: I just made an unfortunate
12 slash --

13 THE COURT: Yeah, if you have any other
14 witnesses today, by the way, you can send them home.

15 MS. EPHRAIMSON: I did.

16 THE COURT: Thank you.

17 MS. EPHRAIMSON: You're welcome.

18 THE COURT: I want to pay the prosecution a
19 compliment, by the way. You know, you really did a good
20 job having all of your witnesses ready to go today.
21 That was efficient. Well done.

22 MR. DAVIS: Your Honor, we appreciate that,
23 but we would be remiss if we did not tell you that the
24 person most responsible for that is Ms. Ephraimson, in
25 the back of the courtroom.

1 THE COURT: Yeah, I know.

2 MR. DAVIS: Yeah.

3 THE COURT: I can see her making a beeline out
4 of here in a few minutes.

5 Don't worry. I get it.

6 MR. DAVIS: And, your Honor, I do move to
7 admit Exhibit 643 and strike the ID, which is the one we
8 just looked at.

9 MR. HARRINGTON: Oh, the prior exhibit. I
10 thought it was already in. No objection.

11 MR. DAVIS: I was told it wasn't.

12 MS. SHEFF: I don't think it --

13 MS. LE: It wasn't moved before.

14 MR. DAVIS: Okay.

15 THE COURT: Regardless, it's in now.

16 (Government's Exhibit 643 admitted.)

17 MR. DAVIS: And 648 is in, correct?

18 MS. SHEFF: You just did.

19 MR. DAVIS: Okay.

20 Q. So at the middle of the page, Ms. Dragoff, do
21 you see what you wrote there?

22 A. Yes. There's a typo. It says: No remarks
23 God, which should be good, or bad at BBB.

24 Q. And what's BBB?

25 A. Better Business Bureau.

1 Q. Okay.

2 A. "No membership in MV, which is Merrimack
3 Valley, Chamber of Commerce, not included in town of
4 Andover businesses."

5 Q. You also, though, did find the website,
6 correct? Because you've got it up there at the top.

7 A. Yes.

8 Q. Their website is here in the middle, right
9 where we just -- we just had it where we looked at it.

10 MS. SHEFF: Sorry.

11 A. I'm sorry, their Web -- the website is
12 <http://DigitalNet.com/index.html>.

13 Q. Okay. And was there much information on that
14 website?

15 A. I don't recall.

16 Q. Okay. So let's go to the end of that same
17 email -- or really the beginning, but the last page, I
18 think.

19 All right. So do you see what you wrote on
20 July 18th at 6:19 p.m.?

21 A. Yes. Yes.

22 Q. All right. And was this some of the results
23 of your research?

24 A. Yes.

25 Q. Would you read that, please?

1 A. "Jack, I found no industry trade information
2 about DigitalNet. They are on LinkedIn. No listing for
3 jobs on Monster or Glassdoor.

4 "I did find the original Delaware LLC filing
5 and the Massachusetts foreign LLC filing. They also
6 filed an annual report in 2015 with the Mass. Secretary
7 of State as required to retain their Massachusetts LLC.

8 "Here's the Massachusetts info."

9 Q. And you don't have to read all of that --

10 A. Okay.

11 Q. -- technical stuff.

12 A. Okay.

13 Q. Can you skip to the registered agent?

14 A. "The registered agent on file for this company
15 is Registered Agent, Inc., and is located at 82 Wendell
16 Ave., Suite 100, Pittsfield, Mass., 01201. The
17 company's principal address is 300 Brickstone Square,
18 Suite 201, Andover, Mass., 01811."

19 Q. Okay. And the last sentence, what does that
20 say?

21 A. "The company has one principal on record. The
22 principal is Mac Chaudhary from Andover, Massachusetts."

23 Q. Okay. Showing you now Exhibit 209 for
24 identification, is that the Commonwealth of
25 Massachusetts foreign LLC application for DigitalNet?

1 A. Uh-huh.

2 MR. DAVIS: Your Honor, I'd move to admit 209
3 and strike the ID.

4 MR. HARRINGTON: No objection, your Honor.

5 THE COURT: Admitted.

6 (Government's Exhibit 209 admitted.)

7 Q. Okay. And is this the record that you
8 apparently found when you did that research three years
9 ago?

10 A. Aside from the address, and I don't -- you'd
11 have to go back. I don't know what the date was that I
12 had on there. But essentially, yeah, it's the same.

13 Q. Okay. And at the very bottom, number seven,
14 the name of each manager is Munawar Chaudhary, manager,
15 at 31 Lowell Road in Windham, New Hampshire, correct?

16 A. Correct.

17 Q. All right. Okay. Just a few more -- so did
18 you provide all the information you had about DigitalNet
19 to Jack Rotondi?

20 A. I gave him the email that I sent, as you saw,
21 and it was up to them to get back if they wanted
22 anything else. But I don't recall if they did want
23 anything else from me.

24 Q. Okay. So that's enough on 209.

25 So the last thing I wanted to ask you about,

1 Ms. Dragoff, is -- is the purchase orders and
2 requisition forms that Mr. Alrai submitted for various
3 IT expenses. Do you recall that?

4 A. We had a variety of them, yes.

5 Q. Okay. And do you recall also invoices from
6 DigitalNet to United Way?

7 A. I know there were invoices to the United Way.

8 Q. Okay.

9 A. I did not process them. That was not part of
10 my work.

11 Q. Okay. But did you have a particular -- did
12 you notice something about requisition orders that
13 Mr. Alrai filed as the IT head that you noticed?

14 A. I had one requisition form that was completely
15 signed off that had just a very minimal description and
16 it was for a lot of money.

17 So I went back and asked Imran and also Elaine
18 that worked in that department if maybe a backup
19 something was missing that had more explanation. And I
20 didn't get anything.

21 I brought it to Jack Rotondi and I then asked
22 Jack, you know, what should I do with this. It was
23 technically signed off and I could enter it into the
24 accounting system, but I felt there should be more
25 descriptive language.

1 Q. All right. So I'm showing you Exhibit 650,
2 which is an email in 2017. And going to the back of it,
3 the beginning of it, are you familiar with a Sonia
4 Curiel?

5 A. Curiel, yes.

6 Q. All right. And who is she?

7 A. Sonia is in charge of AP.

8 Q. Accounts payable at United Way?

9 A. United Way, yes. Correct.

10 MR. DAVIS: Your Honor, I'd move to admit
11 Exhibit 650 and strike the ID.

12 MR. HARRINGTON: No objection, Judge.

13 THE COURT: Admitted.

14 (Government's Exhibit 650 admitted.)

15 Q. You see the note to you from Sonia down at the
16 bottom?

17 A. Yeah.

18 Q. And you see that it says: She will scan
19 approved requisition for blanket setup or amendments so
20 you're able to set them up in GP. And I want to -- I'd
21 like to move ahead before things get too crazy and I'm
22 attaching copies of the following requisitions.

23 And then can we go and see what those
24 copies -- who those requisitions are? The last page.

25 Do you see at the top of the page now?

1 A. Correct.

2 Q. And what does that say?

3 A. That says the two that she was sending was,
4 number one, DigitalNet web development, general ledger
5 number by, and she says primarily Spanish speaker, by
6 \$75,000.

7 Q. Okay. So that's -- so that's it. Now, did
8 you have a reaction when you saw that requisition for
9 DigitalNet for \$75,000?

10 A. Yes.

11 Q. Okay. And what was that?

12 A. I need a little more information, like some
13 information. Maybe something else needed to go with it.

14 Q. Okay.

15 A. And I was going to enter it to -- basically,
16 in March, we're getting a jump on the season, meaning
17 when the new fiscal year starts, or if something is
18 renewing. Okay? So it's been in force for one year.

19 I asked her for clarification, even though it
20 was signed off, to say this really -- should it really
21 be a contract or is more information forthcoming.

22 Q. Okay. And can we just look at the first two
23 sentences starting with "I will be happy" and also the
24 sentence below that, "seems like DigitalNet."

25 Can you read that, please? That's what you

1 wrote back to Sonia?

2 A. Right.

3 "I will be happy to enter these as blankets to
4 get a jump on the season, but would like to get some
5 further clarification even though you've run them by
6 Jack. It seems that the DigitalNet -- seems like the
7 DigitalNet should be a contract since its dollar amount
8 is for 75,000. All it says is web development. Is
9 there more definitive info."

10 Q. All right. So after that, did you get a reply
11 from Mr. Imran Alrai?

12 And go to the beginning?

13 A. Okay. Yes. It says: Diane, it is not a
14 contract, but continuation of existing services. All
15 reqs should come to me. Please do not include IT
16 service team members in any contract-related or UW
17 finance-related matters. They are outside contractors,
18 not employees.

19 Q. That's enough. Thanks.

20 A. Okay.

21 Q. So -- and what did you do about this at this
22 point?

23 A. I went to Jack.

24 Q. Okay. And did you ever get more detail on
25 that \$75,000 expenditure?

1 A. He was going to take it up with Imran, as it
2 says down the bottom, and he gave it back to me and
3 said, just put it into Great Plains, put it into the
4 accounting system.

5 MR. DAVIS: Very good. No further questions.
6 Thank you.

7 THE COURT: Cross-examination.

8 MR. HARRINGTON: Just very brief, Judge.

9 CROSS-EXAMINATION

10 BY MR. HARRINGTON:

11 Q. Just picking up on that last point,
12 Ms. Dragoff.

13 A. Yes.

14 Q. You indicated that you brought the issue
15 ultimately to Mr. Rotondi?

16 A. Correct.

17 Q. And he advised, go ahead and put it through
18 and make the payment?

19 A. Correct.

20 Q. Okay. And you indicated that he was going to
21 take that up with Mr. Alrai and then at some point --
22 and let me back up, because I don't want to confuse you.

23 You brought it up with Mr. Rotondi?

24 A. Correct.

25 Q. He indicated he was going to take the matter

1 up with Mr. Alrai?

2 A. Correct.

3 Q. Okay. He then got back to you at some point
4 after that and said, go ahead and put it through.

5 A. I believe he gave me the document back. It
6 was all signed off to put into the accounting software.

7 Q. Okay. And so you had gotten some paperwork,
8 supporting documentation, back and processed it; is that
9 fair to say?

10 A. All I got back was what I gave him, which was
11 the req -- signed-off requisition.

12 Q. Yup.

13 A. No backup -- no --

14 Q. No additional paperwork?

15 A. Correct.

16 Q. Okay. But you got the further approval from
17 Mr. Rotondi that it was okay to go ahead and do it?

18 A. Yes.

19 Q. Okay. Let me ask you just a very general
20 question.

21 Before Mr. Alrai was hired, you indicated you
22 were at the United Way for some time, I think, correct?

23 A. Yes.

24 Q. The IT environment before Mr. Alrai was hired,
25 would you agree that it was -- needed improvement, the

1 IT systems?

2 A. I'm no expert in that, but it seemed possible
3 that we had to make another leap into the 21st century.

4 Q. Okay. Get a little bit of updated technology?

5 A. Yes.

6 Q. And would you agree that after Mr. Alrai hired
7 and in the years that followed, the IT environment did
8 improve at the United Way?

9 A. It seemed that it did.

10 MR. HARRINGTON: Okay. I don't have any other
11 questions, Judge.

12 THE COURT: All right. Any redirect?

13 MR. DAVIS: None. Thank you.

14 THE COURT: You're excused. Thank you.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: All right, Counsel. It's
18 5 o'clock, end of the day. Anything for the Court?

19 MS. LE: Your Honor, may we talk about
20 scheduling for tomorrow?

21 THE COURT: Sure. Let's get off the record,
22 though.

23 (Off-the-record discussion.)

24 (Proceedings adjourned for the day at 5:00 p.m.)

25

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 4/10/2020

/s/ Liza W. Dubois
LIZA W. DUBOIS, RMR, CRR